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A
JUSTIFICATION
OF THE
Present War
AGAINST THE
United Netherlands.
WHEREIN
The Declaration of His Majesty is Vindicated,
and the WAR proved to be Just, Honourable, and Necessary;
The Dominion of the Sea Explained, and His
Majesties Rights thereunto Asserted;
The Obligations of the Dutch to England, and Their Continual Ingratitude:
Illustrated with Sculptures.
In Answer to a Dutch Treatise Entitled, Considerations
upon the Present State of the United Netherlands.
By an English Man.
Cicero ad Atticum, Lib. X. Ep. 7.
*Pompeij omne Consilium Themistocleum est: Existimat enim, qui Mare teneat, eum necesse
rerum potiri.*
Lucius Florus.
Pudebat nobilem populum ablato mari, raptis insulis, dare tributa quæ jubere consueverat.
L O N D O N.
Printed for Henry Hills and John Starkey, and are to be Sold at the Bell
in St. Pauls Church-yard and the Mitre within Temple-Bar, 1672.

THE
 AUTHOR
 UNTO THE
 READER.

S*ince the Author of the Considerations is pleased to conceal his Name, and suffer his Book to pass as the work of a private person; it seems requisite, that I do declare this ensuing Treatise to proceed from an Hand not less private, if not more; and this I am the more obliged to own, lest by any mistake of mine through Haste, Ignorance, or Mis-information, some prejudice might be created against the just and unquestionable Rights of his Majesty. The Interests of Princes are not proper subjects for ordinary pens: yet in this juncture of our Affairs, in these times of universal danger, I hope my attempt shall not be liable to mis-construction, since it hath no other source and original, than the service of my King and Native Country: and I do profess that I have not, to my best knowledge, made use of any officious untruths, nor in any Allegation, or Assertion, imposed upon the credulous Reader; nor*

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have

To the Reader.

have I asserted the less probable opinions at any time, out of compliance with the present exigencies of State, in opposition to those which are strengthened with greater Authority and Reason. I have thoroughly convinced my self in the first place, and therefore hope the Discourse may prove more satisfactory unto all others. The infant Republick of the United Netherlands, after that it had got some considerable strength by the assistance of England, began to be sensible of the Advantages they drew from Navigation, and how necessary it was for them not only to open the Commerce unto both Indies, but to secure themselves of the Fishing in the British Seas: the death of Queen Elizabeth (who would otherwise have been jealous of their growing power, and tender of her own Rights) together with the peaceable disposition of King James, seemed to make way for their ambitious designs, and the Cabal of Holland (whereof Grotius was one) did publish an Anonymous Treatise, called Mare liberum, wherein the freedom of the Sea to navigate, or fish in, was maintained as a due right of mankind, according to the Law of Nature, and Nations: which foundation they esteemed more suitable to their ends, then if they should depend upon a revocable privilege, or tacit permission. The Book was the less resented at that time, because it was in appearance levelled against the Spanish Indies, and the prohibition of Commerce there; and then all Europe was willing to see the pride and power of Spain abated by any means. Howsoever King James was angry at the pretended Liberty of Fishing, and his Ambassador Carleton complained thereof to the States; but they never avowed the principles, but owned the Rights

Domin. Baudius de induciis belli Belgici. l. 2.

Grotius Apologet. c. 19.

of

To the Reader.

of King James, though in deed slighted them, and usurped upon the Fishing, in such manner as I have shewed in this Treatise. That single Book hath occasioned a multitude of Discourses upon that subject; Mr. Selden defended the English dominion over the British Seas: Others that of Venice, and Genoa: The Dutch Advocates undermining by their Writings all the Regalities of Princes, as their Masters have done by their Actions. After that the troubles of Scotland and England had disabled King Charles the First from attending unto the Dominion of the Sea, according as He most generously purposed, the Dutch thought that the English, being weakened with the Civil Wars, and distracted with Intestine Factions, by reason of the alteration of the Government, could not resist their ambition, should they usurp the Universal Dominion of the Seas; and to secure themselves therein, they sent Van Tromp to destroy the English Navy, without declaring any War; but neither did that attempt, nor the War ensuing thereupon, prosper as they hoped they would. But ever since that fierce War, they have determined upon the ruining the English Navigation, and not only to exclude the English from the East-India Trade, but to expel them from, and deprive them of the Dominion of the British Seas. It is a received Aphorism amongst the Hollanders, that the flourishing condition of England is a diminution of their glory; Also, that Trade and the Repute of strength are inseparably

serere. Frustra sumus, si per quæcunq; pacta cum talibus, speremus factam rectam fore mercaturam nostram: quam diu hi graves nostri vicini in mari dominabuntur, compedita erit mercatura. Si enim una Oresunda ratione mercaturæ Orientalis necessariò transeunda, antehac habita fuit Crux Mercatorum, quanta crux non futura dominans Anglia, dico, tot commodis portubus, & tam validâ hoc tempore classe instructa? id ibid.

Terris, fretis, portubus [per Indiam Orient.] Hispaniarum atq; Lusitanæ regem (atq; ut auguramur etiam Anglos) exuere. M. Schoockius de imper. marit. c. 21. Funestiores adhuc succedent anni, nisi in partes ante omnia sollicitato Deo Opt. max. laboraverimus Anglos mari expellere, illiusq; Imperium asserere. Frustra sumus, si per quæcunq; pacta cum talibus, speremus factam rectam fore mercaturam nostram: quam diu hi graves nostri vicini in mari dominabuntur, compedita erit mercatura. Si enim una Oresunda ratione mercaturæ Orientalis necessariò transeunda, antehac habita fuit Crux Mercatorum, quanta crux non futura dominans Anglia, dico, tot commodis portubus, & tam validâ hoc tempore classe instructa? id ibid.

linked

To the Reader.

linked together; and hereupon they have so many ways contributed to the embroiling of our Kingdoms, and omitted nothing that might represent us as ridiculous and contemptible unto Foreign Princes. After they had usurped the Fishery, they began to assume a freedom to act all manner of Hostilities upon our Allies (if at enmity with them) not only upon our Seas, but in our Ports; and hereof there are many Instances besides the destruction of the Spanish Fleet in 1639. After this, their pride increasing with their power, they refused to strike Sail to our Ships of War: now they will allow it to be but a Ceremony and Civility, and dispute the paying thereof, unless we come up to such terms as are insupportable. Thus by degrees they have reduced this Nation to the present weakness and contempt; nor can any concessions, any indulgence satisfy their Arrogance and Covetousness: They who covet all, will not acquiesce in any grants that are not answerable to their desires, how unjust or vast soever they be: And their friendship is sooner purchased by a brisk opposition, than complaisance. If we look upon the number and quality of the injuries which we have received from the Dutch, the Turks of Algiers and Tunis are less offensive, and less perfidious. If we consider the courses by which the Dutch attack us, the Algerines are the more supportable to an English spirit, since they act by force, and open piracy, what the Hollanders do by fines and deceit: And since it is our unhappiness to have so ill neighbours, that we must either fall by a lingering and inglorious death, or hazard by War a more precipitate

Igitur ne minimus quidem apex de solennibus formulis detrahi debet, nec quicquam de jure remittendum, ne iudicium vestrum metus esse videatur, & uno concessio semelq; inclinatis ad assentiendum & indulgendum mentibus graviora longè, & iniustiora postulentur. Ubi Majestatis jus agitur media via neutiquam est eligenda. Princeps Auriacus apud D. Baudium de induciis. lib. 2.

To the Reader.

pitate end; I think his Majesty hath made that choice which is most conformable to the genius and temperament of his Subjects; and instigated by his Honour, Justice, and Necessity, put into the hands of the English, an opportunity at least of perishing bravely. But as we ought not in a righteous cause to distrust the mercy of God, so upon so auspicious a beginning as the Lord of Hosts hath favoured us with, under the conduct of our Undaunted Admiral; we may hope for a prosperous success over our treacherous and ungrateful Enemies. It becomes the Nation now to express their generous resolution and courage, whereby the first advantages may be timely and vigorously pursued. It is true, War is expensive; yet 'tis not to be esteemed so, when the effects of peace will be more fatal and cost us more: It is expensive, yet in the beginnings of War even prodigality is wisdom; and he that lays out most lays out least. Small supplies may foment and continue a War, but great ones put a speedy end thereunto. Let us then shew our selves unanimous, and resolute; Let us add to our usual boldness all that fury which despair infuseth: Our circumstances are such as admit of no after-game: either we must be the Distressed Kingdom of England, or they once more the Distressed States of Holland; and 'twill be more insupportable for us to fall into a condition we never yet understood, than for them who return only to their primitive estate. The Dutch presume not so much upon their own strength, as upon our divisions, animosities, and poverty. Let us undeceive them in these surmises; let us convince them, that the English have yet much to give, as well as All to lose; and that they can abandon

Non ignarus, instandum famæ, ac prout prima cessissent, fore univerfa. C. Tacitus in vitâ Agricola.

To the Reader.

don all private emulations and jealousies where the Publick is so highly endangered; and either totally extinguish them, or lay them aside till they have a more fitting time to resume them. If we can form our minds to such sentiments as these, we may have in a short space, what Peace we desire; if we act by other Principles, we can have no Peace, but what pleaseth the insolent and enraged Hollander.

Errata.

Pag. 10. lin. 31: for *Soveraigners* read *Soveraigns*, p. 21. l. 25. blot out *being now in*, p. 62. l. 36. for *vend* r. *read*.

The second *Cut* is to be inserted pag. 40.

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(1)



Impartial and Seasonable
REFLECTIONS

Upon a late Book, Entituled,
Considerations upon the Present State of the United Netherlands.



When I perused the *Treatise*, Entituled, *Considerations upon the present State of the United Netherlands*, I could not but recal to minde that Raillery of *Charles the Fifth*; who, when He adjusted the usefulness of several *European Languages*, said, *That the Dutch was fittest to be used unto an Horse*. Certainly the expressions they use against His *Sacred Majesty*, the present King of *Great Britain*, are so rude and barbarous; the suggestions so palpably false, that in a controversie betwixt private persons, such a procedure were intolerable in any part of the *Civil World*: How much more then ought we to resent it, where the *Dignity and Honor* of our Prince (upon whose Reputation abroad, and at home, not onely the *National Renown*, and *General Commerce*, but the *Welfare and Being* of each *Particular Man* is suspended) is concerned? I do not endeavor to serve the present juncture by this high insinuation of what importance it is, that the *Majesty* of our Sovereign be upheld: I do not act any thing of the *Courtier* herein; 'tis a document of the best *Politicians*, and the experience of

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Neque verò incasum hæc nominis existimatio queritur: Hæc enim dubios firmat, benevolentiam amicorum auget, milites obsecundantes reddit, comæcatuum vias explanat, pecunias minori labore acquirit; demum præraq; omnia in existimatione consistunt; quæ cum perita est, fortia ac validissima remedia, nedum debilia & invalida, vix profunt, & in viso semel principe, seu bene seu male facta premunt. Scipio Ammirat. differat. Polit. lib. 13. Discurs. 1.

of all Ages, doth confirm it for a Truth: It is no vain or empty design, for a Prince to preserve that credit and renown which appertains unto His Quality; 'tis hereby, that He shall ensure Himself of those that waver in their Friendship or Allegiance; 'tis hereby, that He shall retain His Armies in Discipline and Courage; 'tis hereby, that He shall continue in His other Subjects, their due Reverence and Respect. In fine, The Reputation of a Prince is All in all: And that being once lost, the most powerful and prudent Remedies become ineffectual to the support of his Crown, and tranquility of His Dominions. Neither do I upbraid the Dutch with the violation of those Edicts, whereby Christianity regulates Men so in their deportments, As not to speak evil of Dignities; not to Blaspheme the Gods, or Magistrates; being reviled, not so much as to revile again; whatsoever things are just, whatsoever things are honest, whatsoever things are of good report, if there be any praise, if there be any glory, to think thereof: No, no, I should injure Christendom to reckon the United Netherlands a part thereof; such are their practises, that 'tis a crime in them to profess that Religion, and a great mistake in those that entitle them thereunto: I know not, whether I do not speak too mildly concerning those deluded persons, since 'tis a wilful error in them that imagine so; the Dutch themselves have avowed it, and those that managed their Trade in Japan, when the Christians there (at the instigation of the Dutch) were all by horrible tortures put to death, and every House-keeper enjoined to declare in writing, That he neither was a Christian, nor retained any Christians in his family, Melchior à Santvoort, and Vincentius Romeyn, subscribed themselves, that They were Hollanders: Most impiously for Lucre's sake declining that Profession of Christianity, to which Christ and his Apostles oblige them. If they were ashamed or afraid to acknowledge Christ then, I know what our Saviour will do to them hereafter; and if we be ashamed to own them now, or positive in denying them to be Christians now, we are justified by an infallible Authority. I would willingly palliate the matter, by casting the scandal upon a few particular persons, who might be surpris'd with the imminent danger at that

Varenius Descript. Japoniz, l. 2. De Religione, Japon. c. 11. p. 200. Edit. Amstelodam. 1649. Hæc Rejeri Gisberti Narratio est, cui, quoniam ea tantum describit, quæ ipso præsentè gesta sunt, fidem derogare haud jure possumus. Varen. ibid. p. 201.

time: But their reputation is not to be saved so; for the Conditions, upon which the Trade continues to be managed there, with the knowledge and approbation of the States-General, and of the Provincials of Holland, are these; They are at their first arrival, faithfully to deliver up all the Books which they bring along with them to Japan, (not a Bible, or Prayer-Book, is reserved) which are not to be restor'd till their departure again. They are to refrain from all manner of outward Profession of Christianity in Word or Deed amongst the Japanners; in so much, that it is Death and Confiscation of their Ships and Goods, if they do so much as verbally give God thanks for the Meat they eat, or by any motion of their Hands or Eyes testify any inclination thereunto. Upon these terms the Emperor permitted them to trade thither; the Conditions were sent into Holland to be approved of there, it being added in the close of the Letter, That if they did make any of the least show, that they were Christians, they should not obtain any favor at the hands of the Emperor. And the Dutch have so exactly submitted to these Conditions, and do so absolutely in word and deeds dissemble their Christianity, that not onely the common people, but the Rulers and Magistrates of Japan do really believe that they are as perfect Heathens as themselves. What would those Ancient Christians do to these Irreligious Hollanders? What Sentiments would they entertain against these practises, who proceeded so severely against such of their number heretofore, as did (amidst a fierce persecution) deliver up the Sacred Scriptures into the hands of the Paynims? With what Zeal would they exterminate these Traditores, these Gnosticks out of the Church, and Sacred Society of Christians? I cannot parallel these Actions with any exorbitancies of the Primitive Hereticks, how detestable soever they were. But it is most manifest, that by their rigor against

Omnes libros, siquos secum adduxerunt, tradere tenentur. --- Insuper exercitiis Christianæ Religionis omnino abstinere debent præsentibus Japoniis, adeo quidem ut ne manus complicare ante cibum vel post assumptum audeant: Si in hoc peccaverint, capitale est; imò navi multarentur. Varenius ubi supra, l. 2. c. 26. p. 193. & lib. 2. de Relig. Japon. c. 11. p. 208.

Quamdiu apud Hollandos aliquid, quod Christianismum redoleat, peragetur, nihil impetrabunt, quicquid etiam petierint. Id. ibid. p. 210.

Diffimulandam enim eis esse Religionem, & pro Ethnicis quoque haberi à Magistratu Japonensi. Id. ibid. p. 208.

The Portugueses refused to trade there upon those terms. Which are the best Christians, those Papists, or these Protestants? Is it not manifest that the Dutch are hereby obliged to deny themselves absolutely to be Christians, in case any Japanner doth put such a Question unto them?

(4)

those *Traditores*, &c. they would have ejected the *Hollanders* out of the number of *Christians*, and anathematized them above any upon record, since the *Dutch* act that for gain, which no *terrors* could excuse under a *Dioclesian*, or *Maximianus*.

Whatsoever may be alledged in behalf of *Vincencius Romeyn* and his Associates, (if any thing can be said) extends not to the subsequent *Traders*: and even before the persecution in *Japan*, the *Hollanders* demeaned themselves no otherwise then afterwards, for amongst the motives which induced the Emperour of *Japan* to allow them to trade, it is expressly said, That he permitted them this liberty, because that during all the precedent years in which they traded thither, he never observed that they intended the propagation of their Religion, or seemed at all concerned for it. One would

think that any professing *Christianity* would not demean themselves thus unworthily: but these men proclaim and publish to the world their impiety, without remorse, or shame. The Director of their Factory there, *Francis Caron*, printed this in his Description of *Japan*, and *Varenius* upon strict enquiry found it to be really true. Their Books were printed at *Amsterdam*. And let who can, style them *Christians*, *Reformed Churches*, or *Protestants*, I am sure none can communicate with such *Publicans* and *Heathens*; and had an *Hollander* been *Bishop* of *Carthage*, then *Donatisme* had been no *Schisme*. An *Hollander*! This is the Name of a People that esteem nothing sacred, but their own profit, and live under no obligations of Honour, Morality, or Religion, but Interest. I must ravage over *Africk* (so fam'd for *Monstrous productions*) and in the most inhumane parts thereof seek a parallel for these *European Monsters*: They are not to be ranked amongst the tolerable *Pagans*: Old *Rome* would have taught them that there are certain *Laws of War*, as well as *Peace*, and those such as cannot be silenced by the noise of *Canons*: And I will from *Athens* borrow an *Exposition*

In regno Japonensium, ubi Christiana religio interdicta est, Belgae qui ibi habitant, ex mandato Societatis Indiae Orientalis ab omni externo cultu abstinere tenentur. Tract. Theologo-polit. c. 4. p. 6. 2. edit. 1670. Hamburg.

Cum Hollandi multis jam annis, quibus in Japonia commercia exercuerunt, nunquam de propaganda Christiana religione quicquam attentaverint, nec de ea solliciti fuerint — id. ibid. pag. 209.

(5)

stulation against them: "We do not complain that being Enemies, they act as Enemies: there are some conditions and laws of war, which may be equitably practised on both sides; to harrasse the fields, plunder Towns, kill, slay, and take Captives, how miserable soever these things be to those that suffer them, yet are they not unjust actions: We do complain that these *Netherlanders*, who, even in the *Treatise* which I now animadvert upon, do so highly pretend to *Piety* and *Protestancy*, should violate all *divine* and *humane* Rules of *Civility*, that they rail instead of fighting, that they attacque us with *contumelious* language, and aggravate their unjust enmity with an *insolence* that is not to be endured. I am as much perplexed to find out the Rules of their *Politicks* herein, as I am elsewhere to seek for those of their Religion, seeing that this deportment must needs exasperate all mankind against them, and common humanity obligeth every one to endeavor their extirpation: Provocations of this kind, Injuries of this nature, admit of no composition, and render the most bloody wars to be most just. The indignities done to our King do extend unto all Princes, and become Examples of what they universally must expect in time to suffer from the continuance of their High and Mighties: but these affronts particularly and most sensibly touch the subjects of the King of Great Britain, and turn their just anger into implacable fury. As the Dutch are to the English, such were the *Veientes* to the Romans, they were a vexations rather than terrible enemy, and irritated them more by their contumelies, than their armies: But it is observable, that there never was a fiercer or more cruel war, and the Romans did never testifie so high resentments, as for those indignities: and from such like considerations arose that cautelous advice of *Scipio Ammiratus* and *Macchiavell* (no Dutchmen) that Men ought to be cautious how they irritate an enemy by contumelious language and other indignities; since the impressions thereof are more violent and durable in the minds of Men, then what are occasioned by common, and even grievous injuries.

I smiled when I read the High commendations which they bestow upon their Countrey and Government. Oh! the rare situation of it! 'Tis a *Canaan*; but seated in a *Bogge*, and over-

Non esse sibi conquerendum, quod hostilia ab hoste passi fuerint: esse etenim quadam belli jura, quae ut facere, ita pati sit fas: fata exuri, dirui secta, praedas hominum pecorumque agi, misera magis quam indigna patienti esse: id sequeri, quod Philippus, qui Romanos alienigenas & barbaros vocet, adeo omnia, simul divina humanaque polluerit, ut priore populatione cum infernis diis, secunda cum superis bellum nefarium gesserit. Livius lib. 31.

Sed Veiens hostis asfiduas magis, quam gravis, contumeliis sapius, quam periculo animos agitabat. Livius lib. 2. c. 48. Livius lib. 5.

Scipio Ammirat. disert. polit. 1. 18. disert. 10. Macchiavell. disert. in Livium 1. 2. c. 26.

(6)

overflows with water, instead of Honey. 'Tis a *Canaan*, in which there are many *Jews*, but scarce one *Israelite* without guile. No *Espials* yet have informed me of those prodigious *Grapes*, such as the *Israelitish* discoverers met with in *Canaan*; and these cheating *Hollanders* obtrude upon us *Turneps* for *Pomegranates*. Yet do they assure us their Land is a true *Canaan*: but 'tis more true, which they adde, **That 'tis a Land of Promise**; for all *Europe* and the *East-Indies* do complain there is nothing of performances there. They magnifie their excellent Government; which is an *Anarchy*: they subsist not by any wise reiglement, but combination of interest, and sense of common danger. They have been an hundred times in danger of a total rupture; each Province is *soveraigne* and independent of the rest, and can send *Embassies*, contract *Leagues*, and otherwise negotiate with foreign *Princes*, without the privity of the others: never was there *Sheaf of Arrows* so ill made up into a bundle. Their *Liberty* (whereof they boast) consists in paying more *Taxes* than any *Prince* in the world exacts: and in being subjected to the most *Arbitrary proceedings* as to *Life*, *exile*, and *imprisonment*, that ever I read of: and if I am deceived, *Grotius* in his *Apologetic* (who suffered thereby, with many others) deluded me into that sentiment. But though these *Canaanites* do live under an ill Government, in a bad Countrey, upon *Pickled-Herrings*, *Groot*, *Butter*, and *Cheese*; yet they enjoy for their souls, that immortal part, as much as from God they can desire, namely the food of his word, which nourisheth them to life eternal. — And this is the *Celestial diet* of all the *Jews*, *Socinians*, *Anabaptists*, *Papists*, &c. that a bound there. The *States General* have nothing to do with *Religion*: the several *Provinces*, and *Towns* can onely intermeddle therewith; and that they so do, that the *Ecclesiastics* can neither preach otherwise than what the *Magistrates* please, nor exercise any *Church-Discipline* as they ought. Upon these *Terms* the *Ministers* are *Pa-stours*, and feed them with heavenly food, being servants rather of the *Burgomasters* and of *Mammon*, than *God*. Were our *Nonconformists* there imployed, they would find it unlawful to assert the *Jus Divinum Ministerii Evangelici*, and they would

The Provincial States of Holland and West-Friesland demonstrate this in their Declaration printed at Leyden in 1654.

(7)

would be banished should they discourse there about the duty of *Magistrats*, and power of *Ministers*, as they do in *England*. These *Zealous Protestants* have declared that 'twas indifferent to them what Religion any *Province* or *City* were of, so they would but *Unite* with them. The *League* at *Utrecht* (which is the foundation of their *Union*) doth run thus, and *Grotius* shall justifie all I say. They say, *They have always highly interested themselves in the friendship of His Majesty*: And to preserve his friendship, they made all those ignominious *Pictures*, *Medals*, and *Monuments*; they refused him the *Honour of the Flagge*, and informed His Majesty, *That the Dominion of the Sea is an Usurpation*, and that upon **God Almighty**; to whom alone this State attributes it. They say, *Their great interest consists in the peace and tranquility of Christendome*. Oh! happy interest of a *Christian State*. — I believe their interest now consists in the peace of *Christendome*; because that war menaceth them, which they would have turned upon *England*; and I believe they did not swerve from their interest, when they formerly sowed divisions betwixt the *Swedes* and *Danes*, and other *German Princes*; and of late endeavored to embroil all *Europe* in wars, thereby to counterpoise *France*. I might reflect upon their confining their interest to the peace of *Christendome*; whereas they place it otherwise in the *East-Indies*, embroiling those parts as much as they can in wars, and destroying our *Merchants* upon all occasions: But it is very observable, that the real interest of these most amicable *Dutch*, consists in *Europe*, in doing all those things which may justly incense *Princes* to make war upon them; and yet in cajolling them into a tame and dishonourable acquiescence.

Such passages as these, I confesse did adde to my divertisement upon the reading; but a different passion seised when I met with those insolent expressions with which they affront our *Soveraigne*, who not onely by reason of his personal excellencies, but by the right of his *English Crown*, is ranked amongst the *Reges superillustres*. Had His Majesty been of a lesser quality, yet since his *Ancestors* have by their favor, protection, and vast expence of *Men and Money*, raised the *Dutch* into a *Republick*, ordinary *Gratitude* might have engaged

See the Apology of Oldenbarnavelt printed in English in 1618.

Grotius Apologet. c. 2.

Corsetus.

gaged them to *civiler Language*. To give the *Lye* to any Man, is reputed a *just cause* of *quarrel*; and if we allow *Princes* but equal concerns for their *Honor*, this alone *authenticates* the War. They charge Him with *Injustice*, *Dissimulation*, and *Piracy*: They call His *Courtiers* a company of *Stupid Fellows*, and say, *His Majesty* can as little adhere to *Reason*, as with reasonable offers He will be satisfied. They say, That the War hath no other Prospect, than the *Limits* of an unlimited *Ambition*, endless *Covetousness*, and a *Spirit* of *Revenge* not to be glutted. That His *Mind* is *misled* and *obnubilated* with a desire of War, the most accursed and *unruly* of all desires. That His *Declaration* contains plain *untruths*, *malicious interpretations*, and *gross impertinencies*. That no *Precedents* of *Violated Faith*, out of any *Chronicles* can be produced, which in this case can parallel the example of the said King.

These, and many other such like Passages, occur frequently in this *Treatise*: I should not have presumed to repeat them, but that I am confident they will be efficacious to animate *All the Subjects* of His Majesty to vindicate the *Honor* of their *injur'd Prince*, especially when they shall understand how undeservedly He is aspersed by these *ignoble, ingrateful, arrogant and perfidious Netherlanders*. Behold, how unfortunate His Majesty is to contend with a mean and *ungenerous Adversary*! How *Civil* and *Prince-like* was the King of *Great Britain* in His *Declaration*! What was there that could *exasperate*, besides the *Truth* of his *Allegations*? Let any Man impartially consider the *Motives* whereupon His Majesty proceeds; let him forget himself a little while that he is a *Subject*, thereby to judge the better of the *Actions* of His *Sovereign*, and I am assured he will concur with me in opinion, That the present War with the Dutch, is *Honorable, Just, and Necessary*: And consequently, if His Majesties loving Subjects do value, either their *Alliance* to their King, (which is not to be doubted) or the *Honor* and *Prosperity* of the *Nation*, and of each particular *Member* thereof (all being involved in this contest, and depending upon the issue of it) they will unanimously assist His Majesty in the present *junction*, as far as their *Prayers, Lives, and Fortunes* can advantage Him.

I acknowledge my self to have been of the number of those, who by reason of their *ignorance* of *private Negotiations*, and the *Real transactions* of *State*; together with that *Epidemical jealousy* of *Courti-designs*, did believe that this War was *needless*, and *unseasonable*: That it was projected by some *Courtiers*, and others, who sought to advantage themselves by the *Publick Calamities*, or by *Pensions* from the *Crown* of *France*; that the *Dutch* were so *humble* and *submissive*, that it was our *obstinacy* to refuse all *satisfaction*, not any *perverseness* and *pride* in them so as to deny us any: I was jealous of the groweth of *Popery*, and thought it to be the interest of this *Kingdom*, not to *weaken* or *destroy* a *Republick* pretending to *Protestancy*, and for the *erection* whereof so many of our *Progenitors* had *hazarded* and *lost* their *lives*. I brought with me all those *surmises* and *misapprehensions* which any *Netherlander* or *English* Male-content could wish infused into me: But when I came to a *better intelligence* concerning affairs; when I had seriously inquired into the *Transactions* betwixt the *Dutch* and *Us*, how *condescending* His Majesty had been, and with what *insolence* the *Netherlanders* had deported themselves; when I found the *reality* of His Majesties *pretensions*, and that the *Declaration* was so penned, that the *contents* were capable of much higher *aggravations*, but no way to be *extenuated* or *invalidated*. Then did I begin to detest the *petulant* humor of this age, whereby every one is prone to examine the *actions*, and censure the *prudence* of his *Governors*, without understanding the prospect those *elevated spirits* have concerning such affairs, or the *grounds* and *circumstances* by which they regulate their *Councils*; and most commonly *We* not being able to determine of matters, were every *punctilio* and *intrigue* represented unto us. I thought the times *happy*, when men employed themselves in *other Discourses*, and practised *obedience*, rather than *disputes*: When they believed that *prudent* and *solid doctrine* of the *Casistical Divines*: That it was onely for the *Counsellors* of *Kings* to debate and examine the *utility* and *prejudices*, the *justice* and

Ludovic. Molina. de justit. tract. 2. Disp. 112. Francis. à Vitoria, Relect. 6. de jure Belli num. 25. Augustus de Cas. Conscient. l. 5. c. 33. sect. 17. Vir justus, si forte sub rege homine etiam sacrilego militet, recte potest illo jubente bellare, si quod sibi jubetur, vel non esse contra Dei preceptum certum est, vel utrum sit certum non est: Ita ut fortasse gullin. contra Faustum.

injustice of Wars; the other subjects not being to expect an ample account of all the Motives and Inducements by which their King is swayed, nor to be so infatuated, as to think they can debate or decide such matters, without any better cognisance then what ariseth from a vulgar Brain, a narrow prospect of things, and popular Reports and Suggestions: But to presume so well of their Superiours, as to imagine they understand what is right or wrong, honorable and dishonorable, advantageous and inutile; and that they have so much of common sense as to understand, that the welfare of the people is the grand interest of the Prince, and that the King is the greatest sufferer in the ruinating of his Kingdoms.

To the end that others may be undeceived, as well as my self, and fortified against all mis-apprehensions, which either their own ignorance, or the clandestine Artifices of these ingrateful and most malicious Netherlanders may subject them unto, I shall represent unto the World, the most important passages, whereby they endeavor to elude or refute the most just and sincere Declaration of His Majesty, and evince unto the most suspicious or prejudicate Persons, that it is incumbent upon the Subjects of His Majesty, and there is an unavoidable necessity of reducing these insolent and treacherous Dutchmen into such a posture, as they may not onely pay their due submissions (with reparations of honor) unto our King; but be obliged to continue them for the future. They are a Nation, with whom no League can take effect any longer then their advantage leads them thereunto, or want of strength and opportunity doth restrain them: It is impossible for any Civilian to fetter them by a Treaty: If they cannot evade it by equivocations, mental reservations, common elusions, and such artifices as become not Sovereigns; These Hollanders will impudently deny all such matters as enterferre with their designs, and supply the injustice of their actions by violence and fraud. They have no Honor to loose, no Conscience to stain, no certain Principles to recede from: The Tartars and Moors prove the sincerer Confederates, and Humanity it self is concerned, that there should not be any longer upon Earth so fatal an instance, that there are not in Men naturally such seeds of Morality, such inclinations to civil Society, such

Laws

Laws of Nature and of Nations, as those Authors teach us who never thorowly understood an Hollander. I might give evident proofs of this so heinous a charge several ways, but I shall confine my discourse to what these Dutch considerations lead me unto; and it is from thence, that I will manifest to the most ordinary capacities, and the most prepossessed judgments, that these Adversaries are not injured by this Character; and to make the case more plain, I will write their words.

Considerations upon the present state of the Affairs of the United Netherlands. Published by a Lover of his Countrey, for the encouragement of his Countrymen in these troublesome times.

Whosoever looks upon the first beginning of the State of the United Netherlands with a curious eye, and serious consideration of the Histories, and discreetly observes by what means the Fabrick of the said State, out of the lowness of its original is raised to this present height, must needs be induced to confess, That Divine Providence (which not always appears visible to the eyes of the World) hath so clearly been manifested in the framing and exalting of this State, that with just Reasons it must be acknowledged, that God Almighty was the external and visible erector of this Famous Republick.

An Age is now expired (when before the Countrey, through an unhappy Disorder of Government of those times, was falln into a lamentable confusion) since William E. of Marck, L. of Lumè, Admiral of the D. of Orange's Navy, by a strict command from the Queen of England (who not onely denied him liberty to stay in Her Countrey, but also refused to supply his Seamen with necessaries) constrained to leave England, arrived beyond his intentions, forced by cross Winds,

but

but indeed the Winds of Gods directions, before the Brill, of which He easily possessed himself, not with a design to keep, but onely to ransack the same, and so to leave it again: But being informed by others of the convenience and importance of the place, brought the same into a posture of defence, keeping it for his Principals and Superior Commanders. And in this manner was the first Foundation of this precious structure laid, or rather, in regard of the External Instrument, cast up by chance, but, in verity, by the direction of the Supreme Builder, whose omnipotent hands oftentimes make use of Mortals, as the blind instruments of his wonderful destinies.

It is not my design here to make a Relation of the progress of our Affairs, and by what means our Ancestors have through troubles and adversities struggled and ascended to the height of that felicity, which by Gods goodness we enjoy at present: But my intentions onely aim by this short discourse to move my worthy Countrey-men to fix their assured confidence, that the same God which hath exalted us from lowness to a State, whose high and flourishing condition now for a long continuance of time hath stirred up as much Envy, as formerly its Misfortunes moved Compassion, shall graciously protect and preserve the Works of his Almighty hands, if, imitating our Predecessors, we in this juncture of time do join two principles together, which ever ought to be inseparable, viz. An entire resignation of our selves to the Divine Providence, and, An unalterable mind, and vigorous courage in these troublesome times, to act as much for our preservation, as our Forefathers have done for their first Deliverance: Desiring my Countrey-men, that in comparing our present Anxieties, with the Perplexities of our Ancestors, and the necessities under which we our selves have labored, they will look back in the Histories for the Primitive times of our Predecessors, and for that time within compass of their own remembrance, whereof still we preserve the memory.

We

We shall find in the Histories, that the Affairs of our Predecessors, in their first progress and growing Infancy, were reduced to that inconvenience, that the consideration thereof moved the Supreme Person at that time, who with an indissoluble Bond had linked his own prosperity to the fate and destiny of these Countries, to urge this hopeless Advise, viz. To cause by cutting of the Banks, and pulling up the Sluces, these Lands to be swallowed down in an irrecoverable condition, and, with Gods Mercy, with that small remainder of their ruined Fortunes, to seek other Countries beyond Seas, there either to live more happily, or to find a period of their lives with less misery.

I shall not blame the Considerer for reflecting upon the Mercies of God, extended towards his Countrey-men. I commend the least sense of Religion in him, but I have most suspicious thoughts concerning Piety in an Hollander: And I believe every Englishman will approve this jealousy to be just, seeing, All this specious preamble is made use of to no other end, then to evade all acknowledgments to Queen Elizabeth, and the English Monarchy. It is not the pleasure of the Almighty, that subordinate means and instruments should be deprived of their proper Elogies. He by his Providence appointed means; He by his Sovereign will, doth prosper or frustrate them; yet so that the divine interposition doth not usually derogate from the efficacy of second causes, or exclude us from confessing their concurrence. Whosoever shall reflect upon the Ambitious designs joyned with the extraordinary power of Spain in those days: The intentions of that Monarchy to reduce the Belgick Provinces under a more absolute obedience than the Brabantine Constitutions consisted with; the obstinate humour of the Dutch in adhering to their Privileges, how irrational soever; Also the apprehensions which France, Germany and England, had concerning the excessive growth of the Spanish and Austrian power; such a Considerer will not admire so very much, that the rebellion of the United Netherlands did continue so long, and succeed so well; nor discover

discover such an extraordinary series of providences in the erection of their Republique: And the most partial men must grant, that 'tis a most fallacious way of reasoning, to argue from the happiness of the event unto the justice of the cause, or peculiar favour of the divine Authour: There is not any thing in this Dutch suggestion which might not have been more rationally alledged by a Goth, or Mahometan, since the juncture wherein those Monarchies advanced themselves, was attended with less favourable circumstances than I can observe in the revolutions of the Netherlands: But I am confident no Goth, or Sarracen would have so entitled to God the original of their successes, as to exclude the intermediat assistances which they received from others at any time. Such ingratitude is singular in the Netherlanders; and all this impudent harangue hath no other tendency, then to elude the obligations which that unworthy people have to Q. Elizabeth and the Royal Progenitors of His Majesty. Here is no mention made of any protection or aid given them by the English Queen; but one Action related, which as it seemingly carries with it somewhat of unkindness, so it is insinuated meerly to this end, that they may alienate the people from a Reverence and regard for our Nation. It is not to be denied that Q. Elizabeth did contribute much to the first support of these Dutch, giving them reception here in England, when the fury of the D. of Alva enforced them as exiles to seek an habitation in foreign Countries: this most gracious Queen compassionated their miseries, and gave multitudes of them leave to fix at Norwich, Colchester, Sandwich, Maydstone, and Southampton A. D. 1568. Here the exiles had the advantage of a quiet life, and the opportunity of pursuing their designs in order to the regaining of their Countrey. Nor was it a small favour to the Prince of Orange and his Partisans, that when they were ready to sink under their losses in Friezeland and elsewhere, this Queen seized upon two hundred thousand Pistols of Gold, which were transporting from Spain to the D. of Alva; the detaining whereof as it was a great disappointment to the Duke (who stood in great need of it for the reinforcing of his designs) so it begat great animosities betwixt the Queen and Him, the Merchants Ships

A. E. Meteran. Hist. Flor. Belg. l. 3. Cambden. Hist. Elizab. ad ann. 1568.

on each side were seized upon; Letters of Reprisall granted, and the English estranged from the Spanish Netherlands, by the translation of our Staple from Antwerp to Hambourgh. It is manifest that our Queen did by that action, and by the hostilities and contrivances of a new Trade, which ensued thereupon, contribute effectually to the fomenting of the Netherlandish discontents, the D. of Alva was diverted from prosecuting the Gheusians with his former violence; his subjects were exasperated by the damage of the English Trade, the English were (by the removal of our Staple) disengaged from all dependance on the Spaniards there by way of Commerce, and inclined to abett and assist the distressed followers of the Prince of Orange. And if the Dutch will not acknowledge these actions for a great assistance and courtesie to them, the Spanish Embassador De-Speck, in his Remonstrance said, they proceeded from some that bare no good will to the Spaniard, and favoured the Rebels of the Netherlands. After this, the distressed Netherlanders betook themselves to practise piracy at Sea upon the Spaniards, under the command of the Prince of Orange, but were immediately under the conduct of William Earle Vander Marck and others, and the Queen (notwithstanding that she was settled in a good correspondence and league with the Spaniards) did permit them by connivence, the free use of her Ports everywhere throughout England, so as that they provided themselves here with Victuals and Munition upon all occasions, and here they usually vended their prizes, which they took upon the Uly, Texel, and the Ems. By which means these exiles sustained themselves well (the Prince of Orange receiving the Tenth or Fifth of their Prizes,) gave much trouble to the Duke of Alva, continued those discontents in their partisans, which otherwise would, in all probability, have been extinguished, by reason of the power and terror of the Spaniards, and the weak and declined condition of the exiled Prince of Orange. I would willingly understand from any ingenuous persons, whether these actions did not highly contribute to the erection of this Republic; and might not as well have been thankfully acknowledged, as the subsequent decree of Queen Elizabeth is most ingratiously mentioned. Viz. That William Earle of Marck, Lord of

Cambden. Hist. Elizab. ad ann. 1569.

A. E. Meteran. lib. 3. ad ann. 1571. E. Grimston. History of the Netherlands lib. 9. A. D. 1571. Franc. Haræus Annal. ducum Brabant. tom. 3. ad ann. 1572.

of *Lumè*, Admiral of the *Prince of Orange's Navy*, was by a strict command from the *Queen of England*, denied liberty to stay in her Countrey, and also refused to supply his Seamen with necessaries; whereupon ensued the taking of *Brill*, as is specified. The insinuation of this *Edict* is maliciously urged here, thereby to extenuate the favors of the *English Nation*: The *Queen* was engaged by *Articles*, not to entertain openly any *Rebels* unto the *Crown of Spain*; She could not harbour them any longer without a rupture with that potent *Monarch*; and She was unwilling to involve Her self in so great a *War*, for so weak *Confederates*. Whereupon She by a strict *Proclamation* did forbid them the use of Her *Ports*, and that Her *Subjects* should sell them any *Provisions*, after a certain time, which was *March*. Whereupon they were necessitated to depart, and seek some other receptacle, and Providence cast them upon *Brill*. But had not the *Queen* harbored them, How had they ever embodied themselves, or increased to the strength of *Forty Sail of Ships*, most of them *Fly-boats*, wherewith they possessed themselves of *Brill*, and took two rich *Ships* by the way? No sooner was *Brill* taken, but *Flushing* in *Zealand*, and some other *Towns* revolted to the *Prince of Orange*; yet were his forces so small (though joyned with those of *Vander Marck*) as not to be able to subsist against the *Spaniards*; but that the *Queen* permitted multitudes of *English* to repair thither; The first that went, was *Sir Thomas Morgan*, who carried over *Three hundred Men* to *Flushing*, the report of whose coming, is said to have stayed the *D. of Alva*, when he was in a readiness to recover that *Town*. Afterwards, through the procurement of *Morgan*, arrived there *Nine Companies of English*, under *Sir Humphrey Gilbert*. With these aids, and other *Auxiliaries* from *France*, though the *Prince of Orange* achieved great things, and reduced many *Towns* in *Holland* and *Zealand* unto his party, yet such was their distress, that *An. Dom. 1575.* they entred into a debate of putting themselves under the *Protection* of some *Foreign Prince*; least through want of *Money*, and of *Soldiers*, and also the fickle inclinations of a discontented populace, they should suddenly fall under the power of the *Enemy*. And

A. E. Mezeran. l. 3. ad An. 1571. Fr. Horæus ad An. 1572.

Cambden's History of Queen Elizabeth, ad An. 1572. A. E. Mezeran. lib. 4. ad An. 1572.

A. E. Mezeran. ad An. 1575. E. Grimston: lib. 10. ad An. 1575.

And in the name of the *States of Holland* and *Zeland*, and *Prince of Orange*, was an *Embassy* sent into *England*, to offer unto the *Queen*, not only what was agreeable to equity, reason, and religion, but to the exigency of their condition, and what self preservation and extream necessity prompted them unto. The *Commission* of the *Embassadors* was, either to make a *League* with the *Queen*, or to submit themselves under her *Protection*; or (if necessity required it) to acknowledge her for their *Princess* and *Sovereign Lady*, issued from the *Earls of Holland* and *Zeland*, by the *Lady Philip*, Daughter to *William* the third of that Name, *Earl of Henault* and *Holland*, &c. The *Queen* thanked them for their good will towards her, but fearing the enmity of *Spain*, the envy of *France*, and the charge of the *War*; as also not being satisfied, how she might with her honour, and a safe conscience, receive those offered *Provinces* into her protection, much less possession, she declined the *Overture*; yet promised to intercede for them with *Spain*, and in the mean space gave them leave to raise what *Souldiers* they could in *England*, either from out of the *English*, *Scots*, or exiled *Netherlanders*, and to furnish themselves with what *provisions* and *Ammunition* they wanted, and to transport them. Notwithstanding this transcendent favour of the *Queen's*, the ingrateful *Zelanders* the next year affronted her Majesty, and seized upon sundry of her *Merchants Ships* upon various pretences, whereupon she was so incensed, that there had been an absolute difference betwixt them, had not the *Prince of Orange* prudently composed all. After this, when *Don John* became Governour of the *Netherlands*, and withall aspired to marry the *Queen of Scots*, and render himself King of *England*, the *Queen* enters into a more strict *League* and *confederacy* with them, to aid them with men and money; and 'twas at her charge principally, that *Prince Casimire* came to their aid with a *German Army*: And out of *England* there went over the Seas to them, the *Lord North's* eldest Son, *John North*; the *Lord Norris's* second Son, *John Norris*; *Henry Cavendish* and *Thomas Morgan* Colonels, with very many *Voluntiers*; and, after that the *Germans* mutinously deserted the *States*, the *Queen* furnished them readily with a great sum

Fr. Horæus ad an. 1575. Cambden hist. of Queen Elizabeth ad an. 1575.

A. E. Mezeran. lib. 5. ad an. 1575. E. Grimston. lib. 10. ad an. 1575.

A. E. Mezeran. lib. 5. ad an. 1576. Cambden Hist. of Q. Eliz. ad an. 1576.

A. E. Mezeran. lib. 7. ad an. 1577.

Id ibid. lib. 8. ad an. 1578. Cambden ad an. 1578.

Cambden ad an. 1575.

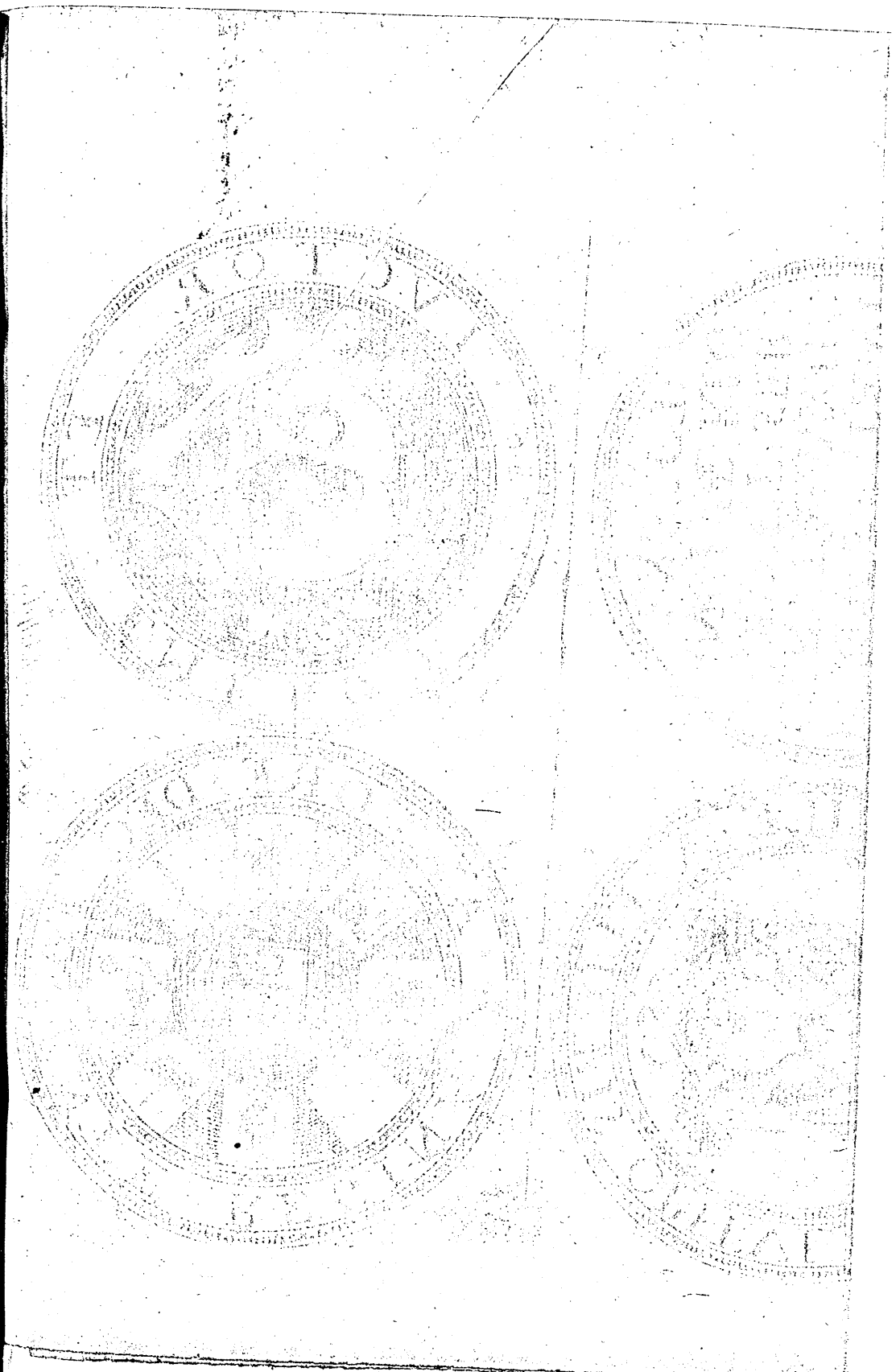
Anno principe Belgarum Gubernatore jam interfecto, multis urbibus ab hoste captis, & Francio auxilio, instinctu hostium, negato, rebusq; ferè desperatis. A. E. Meteran. lib. 13. ad an. 1585.

Vide deduct. Ordin. Holland. West-Frisiaq; &c. p. 238. edit. Leyden. A. d. 1554.

Non sine metu in posterum, quem tunc praesens necessitas averterat. Grotius Annal. l. 5.

A. E. Meteran. lib. 13. ad an. 1585. E. Grimmon. l. 12. ad an. 1585.

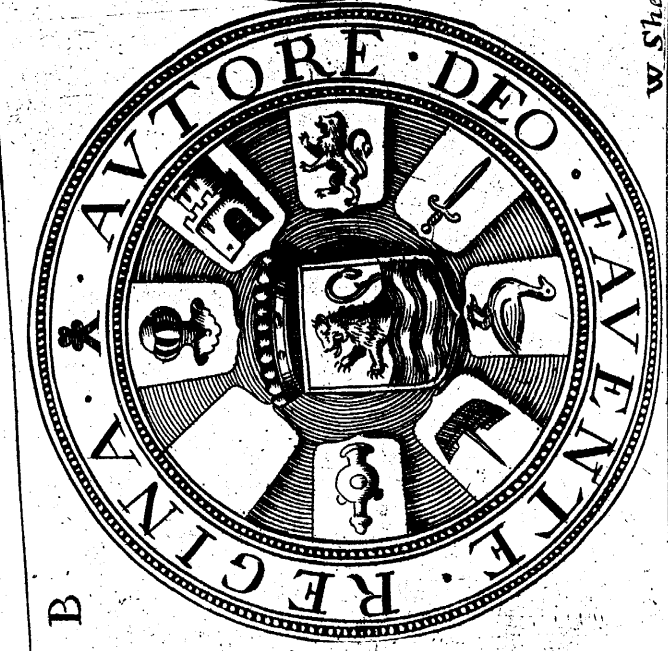
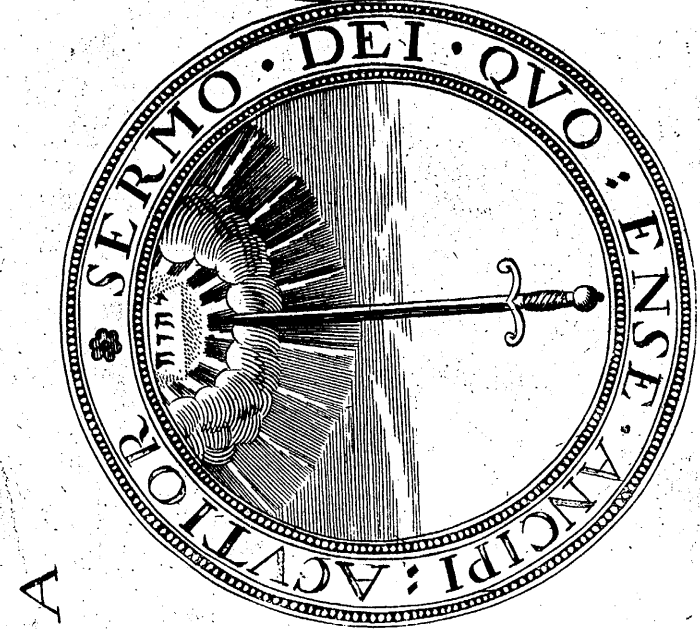
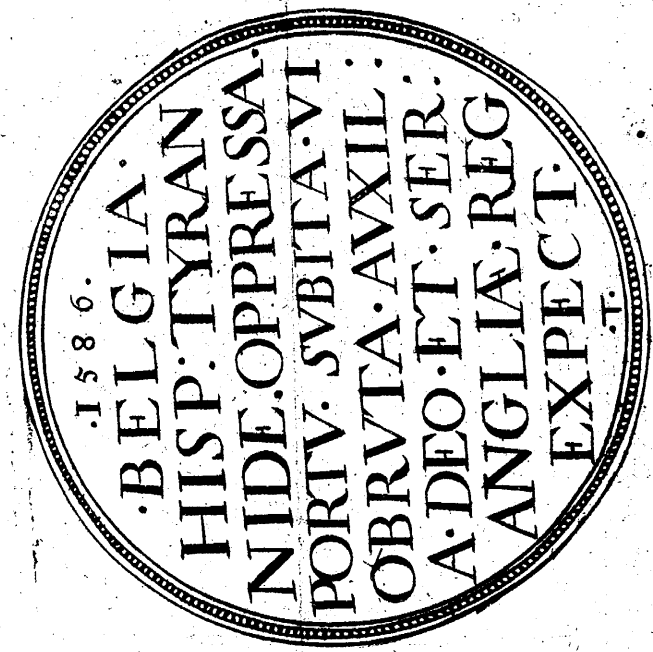
sum of money, the ancient Jewels and rich Plate of the House of Burgundy being mortgaged unto her for it. After this, for several years the United Netherlands cast themselves under Arch-Duke Matthias, and the Duke of Anjou, but with so ill success, that they found themselves not able to continue long, Antwerp and sundry other places being taken, and William Prince of Orange murdered, the French King not being able or willing to receive the Sovereignty of those Provinces, so that they determined by a solemn Embassy to tender her Majesty the entire Dominion and Principality of the Netherlands: They had treated with her before by J. Ortelius about protection, but the Queen refused to espouse their quarrel, except she might have cautionary Towns, that her expences might be repaid at the end of the War. But now that the desperate condition of their Affairs made any terms to be prudential, they resolved to subject themselves unto her, or contract any League for protection which she would enjoin them. Upon the sixth of July 1585. their Deputies came to London, which were these. For Brabant (although, by reason of the Siege of Antwerp, not fully authoris'd) was sent Jacques de Grise chief Bailiff of Bruges; for Guelderland was Rutgert van Harsolt, Burgomaster of Harderwick; for Flanders (although likewise not fully authoris'd) Noel Caron, Seignior of Schoonwall, Burgomaster of Franc; for Holland and Friseland, was John Vander Does, Lord of Noortwick; and Joos Van Menin Counsellor of the Town of Dort, and John van Oldenbarnevelt Counsellor of the Town of Rotterdam; Doctor Francis Mielson, Counsellor of the Town of Enekbuisen, for Zealand, was Jacob Valck, a Civil Lawyer, and one of the Council of State: for Utrecht, was Paul Buys Doctor; for Friseland, was Jelgher van Seytzma, Counsellor of State; Hessel Aysma President, and Laest Jonghema: They were kindly received by the Queen, and nobly feasted at her cost, upon the ninth of July they were brought to their Audience at Greenwich; the Audience was most solemn and publick, the Queen being seated on her royal Throne, and all the Privy Council attending on each hand of her Majesty. The Deputies being introduced, fell upon their knees before the Throne of



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of the Queen, and Joos Van Menin, with great reverence and submission, made an Oration to her in the name of the Distressed States of the United Netherlands, unto the purpose.

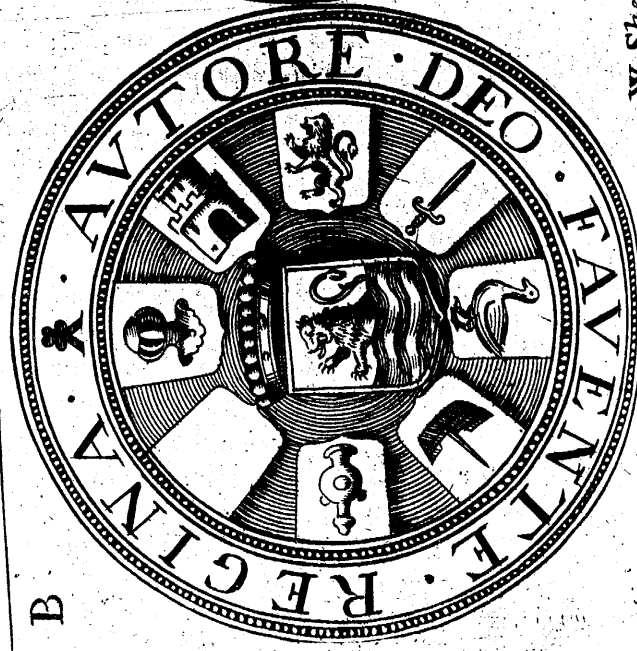
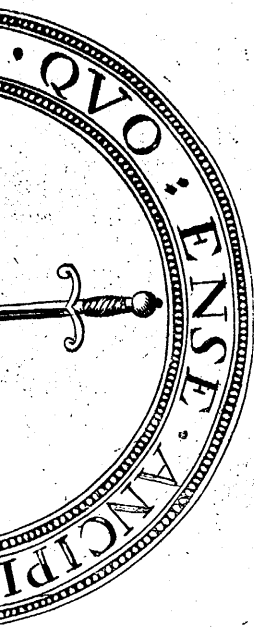
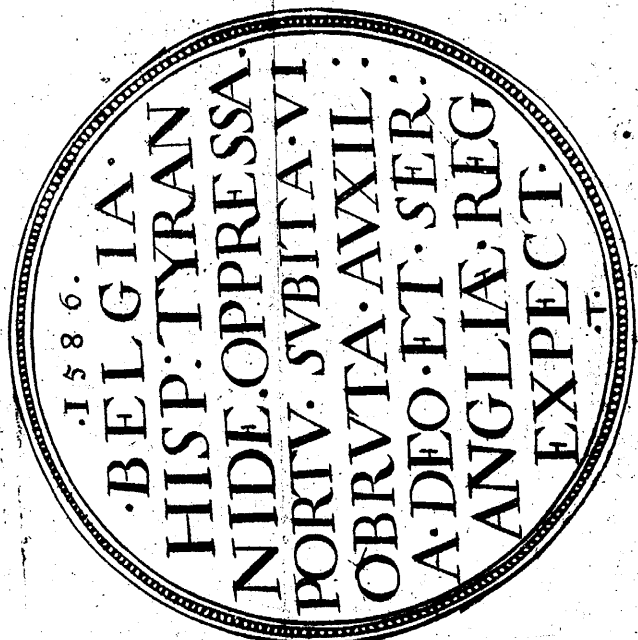
That the States of the United Netherlands Province humbly thanked her Majesty for the honourable and many Favours, which it had pleased her to shew unto them amidst the extreme necessities, having not long since received the testimonies of her Princely clemency, when after the cruel Murder of the Prince of Orange, it pleased her Majesty, by her Ambassador Mr. Davidson, to signify unto them, the great care she had for their defence and preservation; and after that again by the Lord of Grise, by whom she let them understand, how much she was discontented to see them frustrated of their expectations, reposed upon the hope they had in the Treaty with France adding, that, nevertheless, her Majesties care for the support of the Netherlands, was rather augmented than diminished, by reason of the difficulties which multiplied upon them: For the which, not only the Provinces in general, but every particular person therein, should rest bound unto her Majesty for ever, and labour to repay so transcendant obligations by all possible fidelity and obedience. And therefore the Estates aforesaid, observing that since the death of the Prince of Orange, they had lost many of their Forts and good Towns, and that, for the defence of the said United Netherlands, they had great need of a Sovereign Prince, who might protect and defend them from the insolencies and oppressions of the Spaniards, and their Adherents, who sought daily more and more all the means they could, with their Forces and other sinister Practices, to spoil and utterly root up the foundation of the aforesaid Netherlands, and thereby to bring the poor afflicted people of the same into perpetual bondage, and worse than Indian slavery, under the insupportable yoke of the most execrable Inquisition. Finding likewise, that the Inhabitants of the said Netherlands were persuaded, and had assured confidence, that her Majesty out of her Princely inclination, would not endure to see them utterly overthrown, as their Enemies expected by molesting them with long, unjust, and bloody Wars, the which the Estates (according to their duties, and in respect of their places, in the behalf of their



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of the Queen, and Joos Van Menin, with great reverence and submission, made an Oration to her in the name of the Distressed States of the United Netherlands, unto this purpose.

That the States of the United Netherlands Provinces humbly thanked her Majesty for the honourable and many Favours, which it had pleased her to shew unto them amidst their extreme necessities, having not long since received the testimonies of her Princely clemency, when after the cruel Murther of the Prince of Orange, it pleased her Majesty, by her Ambassador Mr. Davidson, to signifie unto them, the great care she had for their defence and preservation; and after that again by the Lord of Grise, by whom she let them understand, how much she was discontented to see them frustrated of their expectations, reposed upon the hope they had in the Treaty with France: adding, that, nevertheless, her Majesties care for the support of the Netherlands, was rather augmented than diminished, by reason of the difficulties which multiplied upon them: For the which, not only the Provinces in general, but every particular person therein, should rest bound unto her Majesty for ever, and labour to repay so transcendant obligations by all possible fidelity and obedience. And therefore the Estates aforesaid, observing that since the death of the Prince of Orange, they had lost many of their Forts and good Towns, and that, for the defence of the said United Netherlands, they had great need of a Sovereign Prince, who might protect and defend them from the insolencies and oppressions of the Spaniards, and their Adherents, who sought daily more and more all the means they could, with their Forces and other sinister Practices, to spoil and utterly root up the foundation of the aforesaid Netherlands, and thereby to bring the poor afflicted people of the same into perpetual bondage, and worse than Indian slavery, under the insupportable yoke of the most execrable Inquisition. Finding likewise, that the Inhabitants of the said Netherlands were persuaded, and had assured confidence, that her Majesty out of her Princely inclination, would not endure to see them utterly overthrown, as their Enemies expected by molesting them with long, unjust, and bloody Wars; the which the Estates (according to their duties, and in respect of their places, in the behalf of their

The Dutch at their return, did coyn Medails of Copper, in memory of this Audience, and the Protection which Queen Elizabeth afforded unto them. I received two of these from Elias Ashmole Esqrs Windsor Herald.

A

D 2

their Fellows and Brethren) were forced to withstand, and, as much as in them lay, oppose themselves against the manifest slavery, which they thought to impose upon the poor Common-people, and by their best endeavours to maintain their ancient Freedoms, Laws, and Priviledges, with the exercise of the true Christian Religion (whereof her Majesty truly and by good right did bear the Title of Defendress) against the which the Enemy and all his Adherents had formed so many Leagues, attempted so many fearful and deceitful Enterprises and Treasons, and yet cease not daily to invent, practise, and devise the destruction of her Majesties Royal Person, together with her Estate and Kingdoms; which the Almighty God under the protection of his everlasting goodness, hitherto hath preserved from all dangers for the good and upholding of the Church of Christ here upon earth. For these reasons, and many other good considerations, the Estates aforesaid, with one full and free consent, had altogether determined, and fully resolved to flye unto her Majesty, in regard it is an usual thing for all oppressed and distressed people and Nations, in their great distress and necessity to seek just aid and assistance against their Enemies, from Kings and Princes their Neighbours, and especially from those that were endued with courage, fear of God, uprightness of heart, and other Princely Ornaments: and to that end, the Estates aforesaid had enjoyned and commanded them to beseech her Majesty to accept of the Sovereignty and Supreme Dominion over the said United Provinces, upon certain and reasonable Conditions, especially tending to the upholding, maintaining, and furtherance of Gods true Religion, and the ancient Freedoms and Priviledges to them due and belonging, together with the government and managing of the Wars, Policy, and Justice of the said United Provinces of the Netherlands: And although the said Netherlands had endured divers losses, and that many of their Towns and Forts had been won from them by the Enemy, during these Wars: nevertheless in Brabant, Guelderland, Flanders, Macklin, and Overissel, there were yet many good Towns and places that held out against the Enemy, and the Provinces of Holland, Zeland, Utrecht, and Frizland, were by Gods grace and wonderful providence still kept and preserved in their whole and entire possessions, wherein they had

had many great and strong Towns and Places fair Rivers, Deeps & havens, whereof her Majesty and her successors, might have good Commodities, Services, and Profit, whereof it were needless to make any longer discourse; but one in special, That by Uniting the Countries of Holland, Zeland, Utrecht, and Frizland, the Towns of Ostend and Seluse, unto her Majesties Kingdoms and Dominions, she might have the full and absolute Dominion over the great Ocean, and procure unto the subjects of her Majesty perpetual and most assured safety together with their prosperity.

They did therefore most humbly beseech her Royal Majesty to vouchsafe, out of her Royal favour and Princely bounty, to yield to the foresaid points of their Request, and so to accept for her, and her lawful Heirs, or Successors in the Crown of England, Defenders of the true Christian Religion, the Sovereign Rights, Principality, and Dominion of the said Netherlands; and in regard thereof to receive the Inhabitants thereof, as her Majesties most humble and obedient Subjects and Vassals, into her perpetual Safeguard and Protection: a People as true, faithful, and loving to their Princes and Governours (without vain boasting be it spoken) as any other in Christendom. And so doing, she should preserve and protect many fair Churches, which it had pleased Almighty God in these latter days, to gather together in several of the said Provinces, being now in many places, ~~being~~ in great fear, peril, and danger: and to deliver the Netherlands and the Inhabitants thereof from miserable thraldom, who (not long before the wicked and hostile Invasions of the Spaniards) were so rich and flourishing in all sorts of wealth, by reason of the great Commodities of the Sea, Havens, Rivers, Traffick, manual Trades and Occupations, whereunto they are much given, and naturally inclined. She should likewise preserve them from utter destruction and perpetual slavery both of Body and Soul, and so effect a right Princely and most Royal work, pleasing to God, profitable for all Christendom, worthy of eternal praise and glory, and fitting well with the Magnanimity and other Royal Vertues of her Majesty, as also most advantageous to the security and welfare of her particular Subjects.

This being said, They presented their Articles unto her Majesty

Majesty with the greatest humility imaginable; beseeching God, who is the King of Kings, to defend, protect, and preserve her from all her Enemies, to the increase of her Honour and Greatness, and perpetually to keep her in his holy protection and safeguard.

The Queen heard them graciously, and received their Overtures with very obliging acknowledgments; the Deputies, kissing her Royal hands, retired with much satisfaction, and her Majesty was no less pleased with the honour of that day's Audience: For albeit that the King of France had the first tender of their Sovereignty, yet neither was it made with such submission and deference as to her Majesty, neither was the tender so absolute then as now; The Deputies to France were sent indeed with a general pretence and declaration of surrendering up the Dominion of the Netherlands to that Crown, but they had separate instructions from their several Principals (the which they never imparted one to the other, but kept secret) with different procurations. The

Declarat. Ordin. Holland. & West-Fris. Lugden. edit. A. D. 1654. post 1. cap. 6. sect. 7. b. 9.

Deputies of Brabant, Flanders, Zeland, and Mechlin, were enjoined to finish the Negotiation upon any terms they could get, so as that Religion and general priviledges were confirmed unto them: Whereas Holland and Utrecht had so limited their Deputies, that they were to insist upon better terms, and rather not to come up to the general Instructions of the States; than to exceed them. I do not read of any such difference in the Procurations sent over hither, neither do I find any reason to believe there were any such: The Queen for several weighty reasons, declined to take upon Her the Sovereignty or perpetual protection of the Netherlands; yet did She consent to enter into a League with them, to aid them with 5000 Foot and 1000 Horse, and to pay them during the War; which the Estates were to repay, when a peace should be concluded. In the mean time Flyssing, and the Castle of Rammekins

Ib. ca. 5. sect. 22. 28. Cum illustri, illa legatio ex singulis Provinciis, an. 1585. institueretur, ut Regi Galliarum summum Belgii offerretur Imperium, P. provincie Brabantie, Geldrie, Flandrie, Zelandie, Mechlinie, suis delegatis, mandato suarum provinciarum, atq; particulari instructione injunxerant, ut multo liberauiorem quam a foederatis proceribus constitutum erat, conditionem Regi offerrent: & vice versa Hollandia & Ultrajectum suis Deputatis hoc mandaverant, ut minus liberales essent in conditionibus offerendis, quam foederatis visum erat, verum eas coarctarent. Geldri, Zelandiq; excepta religione & privilegiis, se suaq; omnia Regi Gallie obtulerant, quo facilius pax expediri posset, cum proceres Hollandia ad hoc tantum se obligassent, jure suo in uno quodam negotio se non ufuros esse.

in Waleheren, and the Isle of Brill, with the City and two Forts, were to be delivered into the Queens hands, to be kept by her Garrisons for caution. The Governour General, and two Englishmen, whom the Queen should name, should be admitted into the Council of Estates, &c. The confederacy was finished upon the tenth of August; and accordingly Sir John Norris was sent over with some Souldiers. The Earl of Leicester followed as General of her Majesties Forces: The Netherlanders received him with more honour, and conferred on him more power than the Queen approved of. They made him General of all their Forces, State-Holder and Governour of all their Provinces; invested him with all that power which Charles V. used to commission his Governours with. The Queen reproved the Earl of Leicester for accepting of such power, and the States for giving it to him. But the Earl soon found himself deceived by these Netherlanders, for, notwithstanding that they had chosen him to be their Governour in so solemn a manner, and sworn, themselves, and the Souldiers, obedience to him, yet they pretend to rule him, model sometimes, sometimes oppose his Orders and Constitutions. Infomuch that the Earl found that he should have but a Titular Government, being subject to the Commands and Authority of those pitiful States and ordinary Burgomasters; whereupon he relinquished the Government, proclaiming (even in Medals) the Ingratitude of those Fellows. Let them make what complaints they please against his deportment there; it is certain, that All the Clergie adhered unto him, and regretted his departure: The Souldiers did mutiny in his behalf; Utrecht and Frizland (besides other Provinces and Towns) did sollicite for his return: and I find that all the clamour against that Earl did arise from the Province of Holland, and some Zelanders only; as they themselves boast in a Remonstrance against the other Provinces. To invalidate that Power, which they had so publicly given him, Holland, a Province always branded for Faction and Ingratitude, having advantaged themselves much by the credit of the assistance, more by the Auxiliaries of the English, began to think it unfitting, that (according to the Articles) the.

A. E. Meterm. lib. 12. ad an. 1585. E. Grimston. 12. ad an. 1585.

Nunquid non Hollandorum, Zelandorumq; virtute & prudentia, Deo juvante, impeditum fuerit, ne comes Lycestrius neq; insidiis, neq; vi imperium ad se traheret? Declarat. Ordin. Holland. part 2. cap. 6. 912.

the English should be privy to the secret transactions of the Council of State, and by the advice of Oldenbarnvelt; they found out an Evasion, not daring openly to violate the Treaty, nor to infuse jealousy into the Queen, by holding Clandestine Cabals; and 'twas this: that not only ordinary matters, and such as the English might know, should be dispatched in the Council of State; but that another Assembly should be formed, termed the Convention of the States General, unto which they should draw all matters of importance, and which required secrecy, under the pretence that the Council of State had so much business already, as not to be able to dispatch the other. Thus early did they abuse the favours of Queen Elizabeth, and by this illusion did they lay the foundation of their High and Mightyes. It is evident, that during the whole Reign of Queen Elizabeth, they were never faithful to the League; they treated with France, and ayded that King, without the Queens knowledge, which was a breach of the League. And whereas by the express words of the Articles, The Queen was to conduct them to, and settle them in a firm Peace; and this being done by her means, the money was to be repaid: She never could prevail with them to come to a Treaty, much less any accord, but they had the impudence to sollicite her to continue her aids to a War which they never purposed to end, it proving so beneficial to them. When the Queen urged, that by the Treaty, she was to be Arbitress of War and Peace: they evaded it by saying, those expressions were but Complementary, and argued their respects to her, not their dependence on her judgment. I find them upon their knees again, and beseeching her most humbly, that she would not conclude a Peace with Spain, A. D. 1598. And this Grotius saith was done, because it is the custom of the English Court to petition the King in that suppliant posture: but certainly this usage extends not to the Ambassadors of their High and Mightyes. But, in the same year, when they thought that Queen Elizabeth might stand in some need of their friendship, whether they bended their knees unto her Majesty, I cannot find, but I read that

Disquisitiones politic.
Hage-comit. edit. 3. A.
D. 1655. Cap. 21.

Conceptum quidem sic erat,
sed verba honori data. Grotius
hist. Belgic. l. 5.

Qui Angliam terant Legati,
flexo genu in morem ejus regis,
cum priorum gratias liberaliter
egissent. Grotius hist. l. 7.

Andaciam usurpantes antehac
formidatam, sermōnem ita in-
stituerent. Grotius hist. l. 7.

that they dealt with Her, not as formerly, but with more arrogant language. The English Court did then look upon the Hollanders as notorious Cheats, who pretended poverty, and had Collections here, when the splendour and growing opulency of their Towns (besides the vast Bribes which their Treasury could spare occasionally) were demonstrations of their Riches: that they declined to repay the Queen her monies, not because they could not do it, but that they might eye her unto their fortune and assistance, by the hopes of a reimbursement of those vast Sums which She had expended for them: Her constant Charge being above one hundred and twenty thousand pounds each year: and it is not to be doubted, but that She would have reduced them by force to a better observance of Articles, and punished them for their fraudulent dealings with Her, but that She prudently foresaw that France to depress Her, and Spain, to ruine Her and disable France, were ready to assist and protect them.

In fine, the Histories I have read do seem to demonstrate this, that the Dutch were a most ingrateful people towards Queen Elizabeth, that they never rendered her any Service, but when it was to their proper advantage: all their pretensions to Religion contained little of reality, and their acknowledgments were but verbal, and consisted principally in extraordinary submission and deference, which prevailed much upon the spirit of Her, who was a Woman, and had much of Haughtiness. When she first undertook publicly to aid them, the chief inducement thereunto was not the Necessity of her Affairs, not the concern for the Protestant Religion (for She advised them to be very cautious, how they changed their Religion) but a Feminine Humour carried away by their flatteries and humble applications, and delighting to see greater submissions paid to Her, than to the King of France, by the King of Spain's Subjects. No sooner had She concluded upon an open amity with them, but the Zelanders triumphing with joy (and to honour Her) did stamp money with the Arms of Zeland, viz. a Lyon arising out of the waves, and this inscription, *Luctor & emergo*, that is, *I struggle and get above water*, and on the other side, with the Arms of the Cities of Zeland, and this; *Authore Deo, sabente Regina,*

Id primores Angli ita interpretabantur: nihil iniquius quam fraudare reginam credito, modo per cavillationes, modo per falsas preces, quas palam urbium opulentia, & ad largitiones usq; sufficiens rararium resellerent. Grotius hist. l. 7.

Cambden ad an. 1598.

Monens ne Romanæ religionis possessionem temere moverent. Grotius hist. l. 3.

A. E. Meteran. l. 18. ad an. 1585. Cambden. ad an. 1585. Franc. Hærens annal. ad an. 1585.

E

B

Camden ad an 1585.

Regina, that is, God being the Author, and the Queen Fa-
 vourer: and I find it to have been an usual form of speech
 amongst the Dutch in that Age, which they applied to all dis-
 courses where it might be suitable, By the Mercy of God,
 and the Goodness of Queen Elizabeth: and by such Whee-
 dles did they inveigle the Queen to take (as the King of
 Sweden then said) the Diadem from her head, and set it upon
 the doubtful chance of War. And it is an action not to be
 parallel'd out of the Annals of impudent and Ungrateful
 persons, that the Dutch having been so effectually obliged by
 that Queen, and having by such a continued series of prote-
 stations averred, that they did owe their welfare and being
 to the Mercy of God and Favour of Queen Elizabeth, they
 should now take no notice, that the English contributed any
 thing to their support: So detestable baseness doth make
 me judge, that If it were not their Interest, Their Religion is
 such, that They would proceed to ascribe nothing unto God
 himself: and all they write to that purpose, is no more than
 a Complement from their High and Mighties to the Al-
 mighty.

We shall omit to relate how often the Republick (after
 that by the hand of God she was raised from that despe-
 rate condition) hath trembled and quaked both for fear of
 Foreign Enemies, and Intestine combustions.

Histories will declare unto us, that not only the State
 of the united Provinces, but all the Netherlands, which to-
 gether (but not with a strict obligation) were tyed, were
 sufficiently plunged into the extremest inconveniences by
 the perfidiousness of the Duke of Anjou, brother to the
 King of France: And that afterwards the United
 Provinces were brought into a deplorable disorder, and
 beyond all posture of defence, by the craft and ambitious
 designs of the Earl of Leicester, sent hither by Queen Eli-
 zabeth for our protection.

I have already spoken concerning the Earl of Leicester,
 and their ingratitude towards him: the French do form the
 like charge against them in behalf of the Duke of Anjou,
 that they violated their agreements with him, gave him on-
 ly an empty Title, but reserving and drawing all the power
 into

into their own hands: the sense of which indignity (confi-
 dering that He was a Brother of France, and had brought
 them powerful succours in their distress) made him take the
 courses specified. And it is observable, that in all these and
 other emergencies, where the Dutch are branded for their In-
 gratitude, Perfidiousness, and unworthy Dealings, the particu-
 lar Province of Holland is always the sole Author, or princi-
 pal occasion. Whereof they themselves boastingly give a
 relation in their Manifest published at Leyden 1654. It is
 thence that I derive my Intelligence, that the Infant States,
 being jealous of the Power and Popularity of William Prince
 of Orange, did without ever acquainting him therewith, in-
 vite the Archduke Matthias to be their Governour. And it
 is there that I read of a great peril that Holland, &c. was in,
 and how they were delivered from it, the which our Consi-
 derer might have seasonably inserted here, as well as the
 rest, viz. The States of Holland, Zeland, and Utrecht were
 determined to make Prince William Earl of Holland with
 all the Prerogatives heretofore enjoyed by such Earls: and
 though Amsterdam, Gouda, and some other Towns dissented,
 yet were they resolved to pursue their intentions: but the
 Prince was assassinated a month before the Installment could
 be effected; and God most providentially did thereby free the
 Subjects of Holland from that subjection into which they
 were running precipitously. There cannot be a greater
 testimony of the degeneracy of this Age, in which such Ingrati-
 tude is publicly avowed and authenticated by a solemn
 declaration of the States of Holland and West-Friesland,
 (the most infamous actions in the world) and such as would
 create a blush in the countenances of any men but Hollanders)
 are recited as the most glorious. 'Tis there that I read, how
 the States of Groninghen and Ommeland, immediately upon
 the Murther of Prince William, did deprive his Son, Grave
 Maurice, of all his Dignities, Honours, and Emoluments in
 their Province, and never admitted any of that Line to be
 their Governour unto this day. 'Tis there that I read a de-
 fence of their secluding the Prince of Orange from being
 State-holder, or Admiral, or General of the Forces of the
 United Provinces (a separate Article which Holland conclu-
 ded

Ideò Archidux Mat-
 thias Belgii imperio ad-
 motus, cum quo infcio
 principe contraxerant,
 ut nimia principis au-
 toritas elideretur De-
 clar. ordin. Holland.
 part. 2. cap. 5. sect. 9.

Deus opt. max. ipfos
 subditos novâ subjeci-
 one, in quam præcipites
 ferebantur, exemit. De-
 clar. ordin. Holland. part.
 2. cap. 1. sect. 20.

Ordines Urbis Groninge
 atq; Ommelandie, sta-
 tum post mortem Prin-
 cipis Gulielmi, novissi-
 me defuncti, filium ejus
 dignitatibus omnibus
 privarunt. In Frisiâ
 linea illa usq; ad hodi-
 ernum diem seclusa
 permanet. Ibid. part 2.
 cap. 6. sect. 14. 16. 11.

Part 2. cap. 6.

ded with *Cromwell*) wherein they extenuate and deny any obligations they have to the whole House of Orange; and therefore they might, without breach of Morality and Civility, proceed as they did. I confess I was amazed to read such things, and wondred not that Queen Elizabeth and our English Kings meet with so much unmoral usage amongst these *Hollanders*, since Prince William and his Heirs are thus intreated: and whilst others behold the Dutch as Protestants and Christians, I cannot but rank them amongst the worst of mankind, not to be parallel'd by any known race of Pagans and Savages.

We will likewise pass by in silence the relating of those passages, of which many of Us have been living Witnesses, as when the whole Country, by a sudden Invasion on the Veluwe, and the taking of Amerford, was in the like manner alarm'd, as Rome when Hannibal appeared before her Gates.

This Invasion happened Anno Dom. 1629. The Spaniards joining their Forces with those of the Emperour under Montecuculi, did make the said irruption, and surpris'd Amerford, being already Masters of Wesel. All Holland was affrighted, and their High and Mighties forsook the Hague to sit at Utrecht. The recent memory hereof might suggest unto the Hollanders more of moderation in their deportment, since they are no more assured of their good Fortune, than the World is of their good Manners. I could not but compassionate the distress of old Rome, the memory whereof this passage renewed; and I wished that victorious Montecuculi had prevented our Prince and the King of France in the reducing of Holland, whose baseness represents them to have a greater affinity with Carthage than Rome, and the Belgic Faith imports as much of Treachery as ever did the Punic.

And forasmuch as comes within the reach of our own Memories, we have yet fresh remembrances of the War with the Lord Protector Cromwell, into which by a certain destiny, and an interest beyond interest, we were drawn, at a time when the Nation, for want of Ships and Guns, was reduced to a perplexity, the thought whereof we cannot entertain without grief, and alteration in our hearts.

All that are acquainted with the transactions of that War, do

This is largely described by D. Heinsius, in his Siege of Bois le Duc.

do well know that the Dutch began their preparations for that War long before the English apprehended it: they ordered 150 Ships to be equipped out, and beat up their Drums for Volunteers to man them, amusing the English with a Declaration, that this was done to secure the Commerce; so that no preparations extraordinary were then set on foot in England: and whilst they were in League with this Nation, and in the midst of a Treaty for a stricter Alliance, their Admiral most perfidiously comes into Dover road, with an intent to destroy the English Navy, and ascertain thereby to his Masters the Dominion of the Sea. I more willingly mention these things, because they are an instance to some people, not only of the perfidiousness of the Dutch, but of the equity of his Majesties present quarrel: for that War, was grounded upon the striking of the Flag, and the Dominion of the Seas: and it is apparent Faction, not any colourable reason which can sway any man that approved of that War to condemn this. It is also an instance, that the present quarrel of the Dutch is not with His Majesty, His Royal Highness, and the Court, but with the Nation. In other cases it is irrational and imprudent to distinguish betwixt the Political and private Capacity of our King; but in this they are so inseparable, that the interest of the People, King, and Court are all one, and equally concerned in the evil success of our Fleet: and were we (by a detestable fiction) deprived of the King and Court, the Controversie would still remain betwixt the Dutch and the unhappy survivors in England. It was not the want of force at that time which occasioned the misfortunes of the Hollanders, but the Courage and Valour of the English: and what may we not (under God) promise our selves from the same persons now, who, besides the sense of their past Victories, have this further incitement, that they fight under their lawful Prince, (a Prince so just and generous) and the auspicious Conduct of his Royal Highness.

Through all these difficulties, and innumerable others, we have, by the mercies of God, waded, and would have wished with all our souls by a long continued Unity (the true and innocent Interest of our Peace-coveting Republick) to have tasted the fruits of our sharp labours and dangers;

This is expressed in the Declaration of the pretended Commonwealth: and they determined to assert the right of the Flag, not only as an Honourable salute, but as a testimony of their undoubted right and dominion upon the neighbouring Seas.

These expressions argue fear in the Authors: and it ought to add to the courage of the English, that besides the terrors of an evil Conscience, and the apprehensions of divine vengeance for their present perfidy, and former Barbarities to the murdered and ruined English; they are also sensible of the puissance of their Enemies, now in conjunction against them.

Dangers; but it hath pleased God to order and dispose it otherwise, who by his just and adorable judgments forceth us to acknowledge that we now (as much as ever) stand in need of his powerful protection, since we find our selves at this present time, encompassed with a necessity to oppose the extreamest assaults of the greatest Forces of Europe, with a power which indeed is inconsiderable in comparison of that of our Enemies, by which yet (how weak soever) we do not despair to defend and secure our selves; strengthened with hopes that God shall please to look upon the Equity of our innocent case, with the eyes of his justice, and our sins and defects with the eyes of his mercy.

And, in truth, if ever the Sword is drawn in time of necessity, and for innocent defence of our dear Country; it is at this present, in which it seems the Grandees of this world, have in the counsel of the power of darkness, concluded the ruine and destruction of the United Netherlands, assuming to their associates, all such as have Christian blood, no more than that of Sheep and Goats, delighting their eyes with the debasation of Countries and Cities, even as if they beheld Comedies.

Wise people do frequently look back upon things passed, and by comparing those with the present Transactions, they from thence form unto themselves Documents and Rules whereby to regulate their deportment: If our Enemies, the Hollanders, had amongst the difficulties through which they have waded, called to mind the meanness of their own condition when they sought refuge here, and when Queen Elizabeth supported them, the Vicinity, Strength, and Generosity of the English Nation, the candor and sincerity which hath been constantly expressed unto them by the Royal Ancestors of his Majesty, whilst they favoured these infamous Netherlands. Had they considered the vicissitudes of Fortune, how great and unexpected they are; the dangers of growing too puissant, though the foundation of Grandeur be not laid in the wronging and depressing of others; that 'tis requisite for them who advance themselves by fraudulent means, and the injuries of others, to retain some firm Allies, and by the

the repute of their sincerity, to some, efface the ignominy, and allay the odium which their perfidiousness to others would create them. Had they assumed such thoughts as these, they had never contracted so universal an enmity as they are now in danger to sink under. Their condition is altogether like that of the Earl of S. Paul, who having enriched and advantaged himself by a constant practice of Treachery to the Kings of England and France, and the Duke of Burgundy, none of them being safe from his machinations, nor being able to relye upon any promises of his, how solemn and sacred soever, they all together resolved to establish the common tranquillity by the ruine of that perfidious man. And when the City of Venice had by several artifices aggrandized herself, and incroached upon the Dominions of sundry Princes; the Emperour, French King, Pope, and others did all joyn against that Republick (which by so many practices in raising and fomenting of the Divisions and Wars of Italy, breaking of former, and entering into new Leagues, as advantage, not right, did excite them) and deprived the Venetians of all they held in the Terra firma. It is in vain for the Considerer to justify the present War unto his Country-men, by urging Necessity and Innocent defence of themselves: How specious soever those pleas are, they avail not in this case, because, they by the manifold injuries and contumelies done to the K. of England have provoked him to attacque them, and created to themselves this Necessity of Warring; nor is their Defence innocent, because it includes a Defence of the most barbarous Criminals against all Laws divine and humane: And certainly if ever any War was justified by the Laws of Nature and Nations, if self-preservation, the protection of injured Subjects, vindication of Rights, revenge of great Injuries and In-dignities, be just motives to commence a quarrel (as each one of them is) never was any Prince more wronged than his Majesty is, when the glory of his present actings is extenuated or soiled by any charge of injustice; nor do I find amongst his Associates any such as value Christian blood no more than that of Sheep and Goats; but I find He hath for Enemies those that so exquisitely tormented and so barbarously put to death the English at Ambayna, and by a thousand actions no less

The depositions of their cruelties against his Majesties Subjects in the East-Indies, Gu'ny, and other places, are to be seen in the Registers Office, of the High Court of Admiralty kept at Doctors Common.

cruel

cruel have testified their little regard to *Christian blood*.

The *Considerer*, that he might evince the *Equity of their Cause*, pretends to deduce its original: the sum of his prolix discourse is this. That the King of France urging his pretensions on a considerable part of the Spanish Netherlands, in right of his Queen to whom they were devolved: The United Netherlands moved by a Peace-loving inclination, and apprehension of a terrible Neighbour, did endeavour to extinguish the fury of that War, whose flames they feared would not only consume the adjacent Countries, but also scorch the more remote places: and to that end they associated Counsels with the Kings of Great Britain and Sweden, and jointly concluded a Triple Alliance betwixt themselves, by which they have mutually obliged each other to promote the peace betwixt France and Spain on the terms and proffers of the Alternative, and by the same peace to secure the quiet and tranquillity of Christendom: promising each to other, for further confirmation of the said Triple League, That betwixt them *always* should be, and continue a *Sincere Unity*, and *serious correspondence from their hearts*; and in good faith to advance each others profits, utility and dignity, and whatsoever should oppose it self thereunto with their best endeavours to remove: and if at any time it should happen, that this their amicable intention should meet with a wrong interpretation, and by chance an untimely rebenge of War by any of the said Parties, or any others on their behalf, should be offered to any of them Confederated, that in such case they should faithfully assist one another.

This is the substance of the *Triple Alliance*: After which he adds, That the King, the King of England, is sensible in his own Conscience (though with words he dissembles, and disowns the knowledge thereof) that by reason of the *Triple Alliance*, the Dutch are menaced with a War from France, and that, whatsoever the most Christian King pretends this is the true reason of his designs, and which he hath plainly discovered in all Courts, and is no more than he threatned them with at first, in case they

they ratified the Triple League. And therefore by vertue of this Triple League the King of England does the Dutch an *unconfined aid*; As also *limited succours* of forty Ships of War, six thousand Foot, and four hundred Horse, by vertue of the *Defensive Articles* concluded in 1668. To which his Majesty is obliged, *If their High and Mighties be attacked by any Prince, or State, on what pretext soever.* The King of England being under these obligations, and being excited by *Ambition, Avarice, and an insatiable thirst after blood*, determined to take the opportunity of this juncture (wherein the most potent King of France did threaten the Dutch with a terrible War) to pursue his unchristian designs, and to disengage himself the better from all obligations of Aid to the Dutch, doth of himself previously begin a War, and with a specious Declaration, palliates and dissembles his foul and malicious designs.

This is the entire substance of what the *Considerer* tediously doth insist upon, and is the sole foundation whereupon he proceeds to justify the Dutch, and with all possible aggravations of Language bespatters the King of England, as if no Chronicles ever produced such a precedent of violated Faith, as his Majesty doth now give an Example of: I do confess that nothing ought to be more sacred, than the word and faith of Princes: That War is the last of remedies whereunto they ought to have recourse, and which ought not to be commenced, but upon just, honourable, and necessary grounds: I do acknowledge the tenor of the *Triple League*, and the *Defensive Alliance*. But I do avow that his Majesty is no way concerned in the violation of them; Nor is the Allegation of them pertinent to the present quarrel: and of all the *fruitless pretexts*, which I have read of in History, this is the worst whereon the Dutch do bottom themselves. The *Triple League* doth no way interest his Majesty in their defence; For it doth not appear that the most Christian King doth invade them for entering into it: There is no Authentick Declaration or Testimony, that this is the motive which prevails with Him to undertake this Enterprise: The Secrets of his mind are known

Distictio in quibusdam videtur à ceteris liberare Et locus subiectus certis pacis & conditionibus, in ceteris manet liber. Et qui se subiecit in quibusdam, videtur se servasse in reliquis liberum. Albericus Gentilis de jure belli, lib. I. cap. II.

known only to himself, and to the searcher of all hearts: It is not for Men to proceed upon conjectures and surmises (which oft-times prove vain and false) as if they were certain Truths; nor can any Prince be obliged indeterminately, (and such is the present unreasonable plea of these *Hollanders*) where the condition of the aid to be given, is particularly specified, viz. If it should happen that this their Amicable intention should meet with a wrong interpretation, and by chance an untimely rebenge of War by any of the said Parties, or any others on their behalf should be offered to any of them confederated, that in such case they should faithfully assist one another. Can there be any thing more clear, than that the aid to be given is suspended upon this one circumstance, that the Triple Alliance should fall under a wrong interpretation, and that thereupon the party demanding the Aid, should be attacked by a rebengeful War? How doth it appear that the entering into the Triple Alliance is mis-interpreted, since it doth not appear that his Christian Majesty did ever debate it, much less declare himself therein? How doth it appear that He plainly discovered this sentiment by his Ministers in all Courts, since it doth not appear that He gave them private or publick instructions to say so? Must a Prince answer for every expression, or every particular action of his Ambassadour? Can there be no other cause but this found out why the King of France should attacke the Dutch? Cannot we imagine, that the French retain a secret and inveterate desire of revenge for the notorious perfidy of the States General, when they concluded a Peace with Spain, without mentioning the Crown of France, or having any regard to the French Interest? Or, is it not possible for the Christian King to make War upon them without a cause? or meerly for enlargement of Empire? Or for other concealed reasons, or unknown indignities? What pregnant proof, or legal presumptions do the Dutch alledge then, that this is the cause of the present War? And with what impudence do they upbraid our King, as if the thing were so, and He knew it in his conscience, to be so, when as the Considerer himself in the Conclusion of his Treatise, says it is not so? viz. I shall hint at nothing else in the King of

of France's Declaration, but that it appears visible therein, that the War of that high renowned King proceeds from nothing else but a formed design to enlarge the limits of his Territories as far as his ambition is extended; yet that we hope that God Almighty shall by the same hand, by which he hath hitherto preserved us, confound the designs of the King—— I doubt not but hereby it is manifest, that His Majesty is no way concerned by the Triple League to assist the United Netherlands in this Juncture: and even so the Swedes, by their indifference, shew how much they approve of the Judgment of his Majesty: and no man can say otherwise, but such as either regard not what they speak, or else take the freedom to surmise, and aver, whatsoever is for their Interest. I come now to the Defensive Alliance, whereby his Majesty A. D. 1668. did oblige himself unto that State, to give them an assistance (if attacked by any Prince or State on what pretense soever) of forty ships of War, six thousand foot, and four hundred Horse, upon promise, three years after the expiration of the War, to be re-imbursed of the charges of the said succour. But neither is this Alliance of any more validity at present than the other: It is the common opinion of the Civil Lawyers, and Reason it self dictates it, that, In all Articles and Treaties for peace, there is this exception to be supposed in the Contractors; Unless some new cause intervene: Unless it be by the default of him with whom the League and compact is made: or, Affairs continuing in the same posture and state, in which they were at the time of the contract. And that saying of Ulpianus and Pomponius concerning private compacts, viz. That an agreement is not violated, from which a man recedes upon a just reason and motive; this by Interpreters is extended to National Leagues betwixt Princes and States. This being supposed, It remains that we enquire, whether the King of England had any new cause or provocation given him? For, if such a matter do appear to have happened, though it be slight, nay disputable, yet is his Majesty absolved from breach of Faith, though not altogether from the imputation of injustice: But if the provocation be weighty, and of high importance, nothing can be more legitimate than the present

Qui promittit non offendere, is subintelligit exceptionem, Nisi causa superveniat; nisi culpa accesserit ejus, cui promissio ista fit, & ratio faderis; Rebus stantibus. Alber. Gentilis de jure belli, lib. 3. cap. 24. Grotius de jure belli, lib. 3. cap. 20. sect. 28. Zouche de jure feaciali, part 2. sect. 9. qu. An provocato, pacto pacis contravenire licet? Albericus Gentilis ubi supra. Et Zouch. ibid. Pactum pacis, inquit, Grotius, admittit, ut si nova causa subsit, vis bellica inferatur, que si probabiliter afferri potest, satius est injustitiam sine perfidia, quam cum perfidia admittam credi. Vide Grotium rapture loco citato.

(36)

Si conditio quædam, quæ societas coitur, sociatio non præstat; vel si eâ re frui non liceat, cuius gratiâ societas sit inita: rationem habet renunciatio societatis. Et ergo videtur, quod si in uno non fiat satis societati, discedi ab omni societate possit. *Alber. Gentil. ubi supra.*

rupture which his Majesty hath made with the *Dutch*. I would willingly know, if any *Englishman* can think that his Majesty could be obliged to this *Defensive Alliance*, without any regard to the *Peace* concluded upon at *Breda*, that is, without any supposition, that he was in 1668. in any terms of *Amity* with these *Netherlanders*: If this be *unimaginable*, then it is apparent, that the observation of these *Articles*, on his Majesty's part, depends upon the observation of the *precedent peace*, on the part of the *Dutch*. His Majesty never contracted this *League* with them, so as to *derogate* from that, and to tie himself up to the *Assistance* of the *Dutch*, against the King of *France* (or any other *invader*) notwithstanding that they should *violate their Articles*, and multiply *injuries, indignities, and acts of hostility* against *Him*, and his *Subjects*. No *Prince* ever fettered himself thus; no *Laws of Nations*, no *common reason* admits of such a Phancy: and therefore the *notorious violation* of that *peace* doth plenaryly *absolve* his Majesty from the bonds of this *subsequent Alliance*.

The *Considerer*, no doubt forefaw this defense, but would not take notice of it, lest he should have been obliged to refrain from the aspersions of *unparalleld perfidiousness* and *violated Faith*, the *Name and Noise* whereof might advantage him amongst the *Dutch populace*, and the more *ignorant* sort of men. And, to give a further colour to his *calumnies*, he says, that the *Reasons which his Majesty alledgeth, are not the Reasons which he proceeds upon*: They are but *forged pretensions*, whilst the *true inducements* to this *rupture* are *Ambition, Avarice, and insatiable revenge*. Since the *Man* so little understands his Majesty's *inclinations and deportment*, which have been *hitherto* such as yield *no ground* for a *charge of this nature*, I will not stand to refute his *insolent and barbarous conjectures*, nor believe so ill of the most *generous, mild, and peaceable Prince* in the world, as that He diligently *sought* occasions for a *War*, when the *injurious Dutch* rendred all *peace unsafe and dishonourable* unto him.

I shall therefore examine what my Author doth urge against the *Declaration of his Majesty*, wherein when my Country-

(37)

Country-men shall be satisfied, I doubt not but they will approve of the *Justice* of his Majesty's Cause, and be inflamed with a zeal to vindicate the *honour of their King*, and the *necessary rights of the Kingdom*.

Concerning the business of *Surinam* (my Author doth not consider every thing) all that is said amounts to this; That the place being taken in March 1667. by *Adrian Crynfen* of *Zeland* with the *forces* of their State, and so under certain *Covenants* reduced to their obedience and subjection, was indeed in the month of *May* next following retaken by the *English*; but that the same in pursuance of the sixth *Article* providing, that all *Lands, Cities, Fortifications, and Colonies*, taken during the *War* by any of the parties then in *Arms*, from the other, and after the 10 of *May* retaken, should be restored to the first taker, was delivered up again into the possession of the *States*: He wonders that the King of *England* should offer to stile any of the *Inhabitants* of *Surinam* to be His *Subjects*, since by the rights of *War*, and the *Articles of Peace*, the plenary *Dominion* and right of *Sovereignty* is transferred to the *Dutch*: and they being now *Subjects* to that State, ought to complain to their *States General*, if the said *Capitulations* be not observed duly; but that the King of *England* is no more interested in them, than is the King of *Spain*.

To this I answer, That by the *third Article* instanced in, though the *plenary right of Sovereignty* over *Surinam* were transferred; yet it is expressly said, *They are to have it altogether after the same manner as they had gotten and did possess them the 10 day of May last past*. It remains then, that we enquire, *What manner of Sovereignty the Dutch had in Surinam by their conquest thereof, by the Capitulations of Abraham Crynfen*: and this appears to be no other than what the *Dutch* had over *Bois le Duc*, when *Grobbendonck* capitulated to surrender it to the Prince of *Orange* upon terms, to march away with flying Colours, and such *Inhabitants* as pleased might remove their *Estates and Goods* into the King of *Spain's* Dominions within a certain time, &c. *A. D. 1629*. so were the *Inhabitants* of *Surinam* to have convenient liberty to transport themselves and their *estates* into the King of

of England's Dominions. And as Grobbendonck by his Capitulation (together with those comprehended therein) did not become the Subjects of the United Netherlands, no though He or his Followers, had stayed several months in the Surrendered Town, but retained to the King of Spain, so neither did these of Surinam become by their Capitulation Subjects to the Dutch: 'tis true they gained thereby the Sovereignty of the territory, but not of their persons: and to deny this, is to act by the Punic or Belgic Faith, to deny that Abraham Crynfen, at that distance, had power to grant Articles, and to act as Hannibal did, when he refused to ratify the conditions granted by Maharbal, because He (though absent) was the Superior, and had not signed them: which deed is censured by Livy thus, *qua punicâ religione servata fides ab Annibale est, atque in vincula omnes coniecti.* This being premised, I cannot understand, why the King of England might not call them His Subjects, and send for them; and as an high injury resent their detaining, since thereby He is deprived of so many serviceable Planters in his other Colonies thereabouts.

The King proceeds from the grievances of the business at Surinam to a complaint of pretended affronts, which He alledgeth to have suffered from the States, as well in making as shewing of Pictures, Medails and Pillars, as in refusing to strike the Flag: declaring that the first alone, viz. the making and shewing of Pictures and Medails hath been a sufficient motive of his displeasure, and the resentment of all his Subjects, that is, in one word, of the War. God preserve the World from such Christian Princes, as for a Picture or Medail, make no scruple to stir up Commotions in Christendom, and to cause the effusion of so much innocent blood. I never yet apprehended that Christianity obliged its Professors to abandon their concerns for a good repute and honour. They have indeed some such Aphorisms in Holland, where the regards of Vertue, Piety, Justice, Honour do yield to those of Gain. But in other places the case differs, and the most honourable considerations prevail above the infamous, though profitable. S. Augustine and all Casuists do agree, that those Wars are just, wherein

Grotius de jure belli, l. 3. c. 22. f. 9. Zouche de jure fœciali, part 2. sect. 9. qu. An conditiones deditiois à duce concessæ, à supremâ potestate præstandæ sint?

such

such injuries are avenged upon a Nation or Kingdom, which that Kingdom or Nation hath either neglected to punish in their own Subjects, or refused to yield satisfaction for unto the party injured. And if the Considerer had imployed his time in any diligent research into the just causes of War, he would have found the most knowing, prudent, and learned Christians to teach, that sometimes private indignities, always the Indignities put upon Princes are a just cause of War. Thus did David, though a man after Gods own heart: who we are ascertained did not ill in making War upon the Ammonites, because they cut off half the beards of his Ambassadors. It is most certain, that besides the defence of his people there are other Titles, and other considerations which put Arms lawfully into the hands of a Prince; there are other wounds to heal, and other breaches to make up; than the ruine of his Subjects; the outrages acted against his Honour are to be revenged, and the spots wiped off, which are imprinted upon the reputation of his Crown, as one of the Pillars which bear up his Greatness, and therefore to be carefully preserved from blows, that it fall not into contempt. The Reputation of a Prince is by some compared to the Credit of Merchants, which maintains them in honour and lustre, though they be in effect poor, and gives them oftentimes means to fill up the concealed emptiness of their Coffers, and to repair the weak invisible condition of their fortunes. But when a Prince is wounded in his Reputation, and his Forces are cryed down; when his prosperities are lessened, and his disgraces increased, when endeavours are used to obscure the lustre of his greatness and puissance, wherewith the eyes of strangers ought to be dazzled, and to draw a curtain before the exterior face of his affairs: This is the subject of a just War, and whatsoever private Christians may do in some cases, Princes do not discharge their duty, nor take requisite care for their Subjects, if they do not avenge notorious contumelies and indignities; nay I dare add, that such of them as are negligent in this case, do not only run into great perils from Foreign Kings, but their Domesticks and Subjects, who will be prone to despise, trample upon, and ruine them whom they see universally contemned and affronted. The Casuistical Divines

Lud. Molina de justitiâ tr. 2. disp. 102. Alber. Gentilis de jure belli, l. 1. c. 18. 20. 21. Fr. à victoriâ relect. 6. sect. 4.

Lud. Molina de justitiâ tr. 2. disp. 104. Causa particularis justitiæ belli est injuria aut contumelia notabilis principi illata. Grotius de jure belli. l. 3. c. 20. sect. 40. Alber. Gentilis de jure belli, lib. 1. cap. 18.

Etiâ stant Reges, & regna nomine, atq; estimatione, quare nomenq; tueri oportet. Et culpa fuerit relaxare vindictam. Alber. Gentilis de jure belli, lib. 1. cap. 18.

(40)

Ex cujus infamia sequitur infamia subditorum: tenetur ex Justitia non condonare famam restitutionem: ita quod si remissio facta fuerit, nihil valeat: quia non potest cedere juri subditorum. Et quando subditi notantur de crimine infamiae, propter infamiam praelati (vel principis) habent jus ad famam & Praelati & ad propriam: ergo Praelatus non potest condonare restitutionem propriam famam. Dom. Bannes de jure & Justitia Qu. 62. Artic. 2.

Omnis qui infamat proximum tenetur restituere illi famam, & omnia damna, quae consequuntur ex infamia illius. id ibid. & Leon. Lessius de justit. & jure, lib. 2. c. 2. dub. 19.

Dr. Collins Survey of Muscovy, c. p. 26.

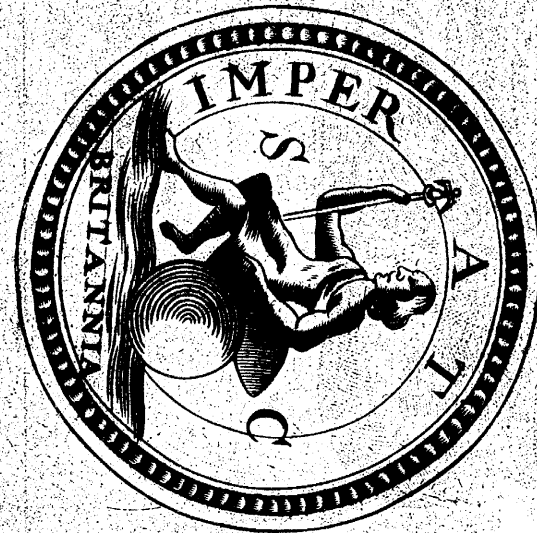
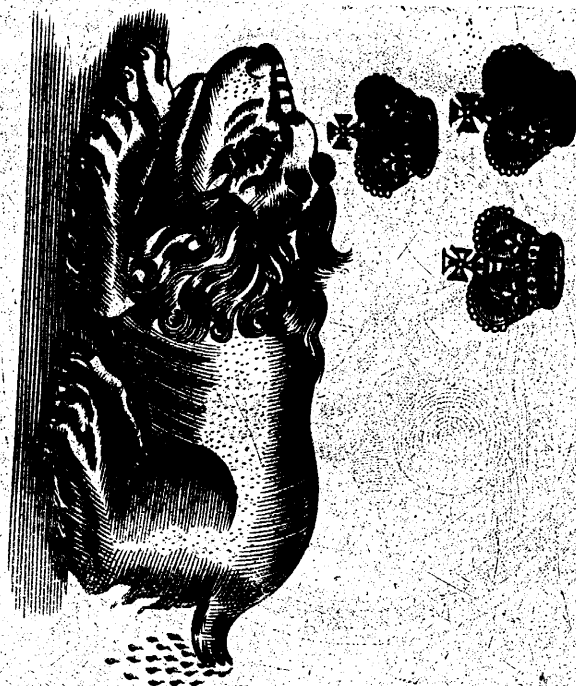
vines and *Civilians* are herein agreed, and they do not allow a Prince the *liberty* to pardon *Indignities* and *Contumelies* done to *his Person*: because his *Reputation* is not properly *his own*, his *Subjects share therein*, and whatsoever indulgence *He* grants in such cases, they are *null* and *invalid*. It is further adjudged, that whosoever doth act or speak any thing to the defamation of another; is obliged *in conscience* to make the injured party *reparation*, not only as to the *indignity* it self, but as to *all the damages* which he received by reason of the *disparagement* done unto him. And should the *English* pursue herein what in *Justice* they may, the greatest part of the *Dutch Trade* in *Guiny* and the *East-Indies*, as also *Russia* should be put into their possession: For these insolent *Hollanders* have advanced themselves to the present *grandeur* and *height*, as well as vastness of Trade by affronting the *English Merchants*, *defaming* and *belying* most contumeliously the *Person*, *Conduct*, and *Strength* of their *Prince*, and by exposing him to *scorn* and *derision* by *ridiculous Pictures*, and *odious Medails*. And because that this *last Instance* is a part of the present contest, and would indeed *alone authenticate it*, I will relate the evil effects of these *Medails* and *Pictures*, which they occasioned unto the *English* in *Muscovy*, as the deceased *Dr. Collins*, who was Physician to the *Czar*, hath left it upon record. *The Hollanders have another advantage*, by rendering the *English cheap* and *ridiculous* by their *lying Pictures*, and *libelling Pamphlets*, *this makes the Russian think us a ruined Nation*. They represent us by a *Lyon painted with three Crowns reversed*, and *without a tayl*: and by *many Mastive Dogs*, whose ears are *crop'd*, and *tayls cut off*. *With many such scandalous prints*, being more *ingenious* in the use of their *Pencils* than *Pens*. *These stories take much with the barbarous people*, when no body is present to contradict them— It is no *Justification* for the *States General* to say, that these are for the most part the actions of *particular persons*, for which the publick is not *accountable*. It is enough for the *English* that the *States* themselves *published some*, and that no *solicitations* and *complaints* could make them *recall*, *suppress*, and *prohibit* the others: this department of theirs doth amount to an *authorizing* of them, and 'tis a Rule, that

ujus infamia sequi-
 infamia subdito-
 tenetur ex Justi-
 non condonare fa-
 restitutionem: ita
 d si remissio facta
 it, nihil valeat:
 non potest cede-
 ri subditorum. Et
 do subditi notan-
 de crimine infamiz,
 per infamiam pra-
 (vel principi) ha-
 jus ad famam &
 lati & ad propriam:
 o Prælatus non pe-
 condonare restitu-
 nem propriae famæ.
 m. Bannes de jure &
 titia Qu. 62. Artic. 2.
 Omnis qui infamat
 oximum tenetur re-
 uere illi famam, &
 inia damna, quæ con-
 quuntur ex infamia
 us. id ibid. & Leon.
 ssus de justit. & jure,
 2. c. 2. dub. 19.

vines and Civilians are herein agreed, and they do not allow a Prince the *liberty* to pardon *Indignities* and *Contumelies* done to *his Person*: because his *Reputation* is not properly *his own*, his Subjects *share therein*, and whatsoever indulgence *He grants* in such cases, they are *null* and *invalid*. It is further adjudged, that whosoever doth act or speak any thing to the defamation of another; is obliged *in conscience* to make the injured party *reparation*, not only as to the *indignity* it self, but as to *all the damages* which he received by reason of the *disparagement* done unto him. And should the *English* pursue herein what in *Justice* they may, the greatest part of the *Dutch Trade* in *Guiny* and the *East-Indies*, as also *Russia* should be put into their possession: For these insolent *Hollanders* have advanced themselves to the present *grandeur* and *height*, as well as vastness of Trade by affronting the *English Merchants*, *defaming* and *belying* most contumeliously the *Person, Conduct, and Strength* of their *Prince*, and by exposing him to *scorn* and *derision* by *ridiculous Pictures*, and *odious Medails*. And because that this *last Instance* is a part of the present contest, and would indeed *alone authenticate it*, I will relate the evil effects of these *Medails* and *Pictures*, which they occasioned unto the *English* in *Muscovy*, as the deceased *Dr. Collins*, who was Physician to the *Czar*, hath left it upon record. *The Hollanders have another advantage*, by rendring the *English cheap and ridiculous* by their *lying Pictures*, and *libelling Pamphlets*, this makes the *Russian think us a ruined Nation*. They represent us by a *Lyon painted with three Crowns reversed*, and *without a tayl*: and by many *Mastive Dogs*, whose ears are *crop'd*, and *tayls cut off*. With many such *scandalous prints*, being more *ingenious* in the use of their *Pencils* than *Pens*. These stories take much with the *barbarous people*, when no body is present to contradict them—— It is no *Justification* for the *States General* to say, that these are for the most part the actions of *particular persons*, for which the publick is not *accountable*. It is enough for the *English* that the *States* themselves *published some*, and that no *solicitations* and *complaints* could make them *recall, suppress*, and *prohibit* the others: this deportment of theirs doth amount to an *authorizing* of them, and 'tis a Rule, that

Collins survey of
 Muscovy, c. p. 26.

Devictis Anglis P. B. F. F.



Devictis Anglis tantum non Mordant
 P. B. F. F.



that *A ratihabition in deeds, is more powerful, than a ratihabition in words: And the Republick, involveth it self in those crimes, which it refuseth to punish.* So *Agapetus in Justinian declares. 'Tis the same thing to offend ones self, and not to prohibit the offences of others.*

This controversy about *Indignities and Contumelies* done to *Princes*, doth recall into my mind the violence wherewith former *Kings* have resented them. *David* without any formalities of denouncing War (that I read of) attacked the *Ammonites*, and with horrible torments revenged the indignities done to his Majesty upon the Inhabitants of *Rabbah*. And *Gustavus Adolphus* invaded the *German Empire*, without ever declaring War, to revenge the contumelious usage of his Embassadors at *Lubec*. Had either of those potent Kings received any such injuries and affronts as his Majesty of Great Britain hath had multiplied upon him, how fierce a vengeance would they have taken upon their barbarous and insolent Enemies, whose outrageous doings do give unto any rigours the face of Justice, and absolves from the usual solemnities of War.

I suppose it now manifest that our King might with a great deal of Justice make War upon the *Dutch*, nearly in vindication of his own honour, and that without the usual form of declaring War: But because this last circumstance is represented so tragically; as if thereby the *English Ships*, though acting by a *Royal Commission*, were *Privateers*, and as bad as those of *Algiers* and *Tunis*: I shall demonstrate that the solemn Declaration of War, before it begin, is not always necessary.

It is not any part of the *Law of Nature*, that a Prince denounce War before he begin hostilities: All that Nature directs Us unto in this case, is, that we repel force with force, and avenge our selves, or take

Si Universitas negligit illud factum emendare, jam nunc illaqueat ipsa se. Est scilicet ratihabito fortior, quæ re fit, quam quæ verbo: & est delicti quoque ratihabito. Alber. Gentil. de jure belli. l. 1. c. 21.
Zouch de jure faciali. part 2. sect. 5. qu. Utrum injuria à subditis illata, principem vel populum afficiant?

2 Sm. 10, 11.

Phil. Arlanibus Arma Suecica. P. 13. 37. Zouch de jure faciali. part 2. sect. 10. qu. An bellum aliquando omiffa indictione movere liceat?

Naturali jure, ubi aut vis illata arcetur, aut ab eo ipso qui deliquit poena deposcitur, nulla requiritur denunciatio. Grotius de jure belli, l. 3. c. 3. sect. 6. 2.

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reparations for injuries committed against Us. All that can be alledged for it out of Grotius, is, that 'tis a fair and laudable course, and not always practised by the Romans themselves: For when the Carthaginians in two Wars had shewed themselves an ungenerous perfidious Enemy, such as the Dutch are to all the world, they did not denounce the third War against them, but proceeded by surprise against that vexatious treacherous irreconcilable people, and used them not as other Nations, because that others were not like unto them. And Xenophon in his Romance of Cyrus, thought it no ill character of his Heroe, that he should without denunciation make War upon the King of Armenia. So did Pyrrhus; so did Gustavus Adolphus. As in the Civil Courts of Judicature, a formal Citation is not always necessary; in like manner a Prince may sometimes omit the proclaiming of War before he practise hostilities.

But to evince the entire justice of that Encounter of ours with the Smyrna Fleet, it may be convenient for us to consider, that those Ships meeting with our Fleet did refuse to strike their Flags and loze their Topsails unto the Ships of War of his Majesty, contrary to the 19. Article of Breda: And that being refused, it was not only lawfull for our Ships to destroy or seise them, and for his Majesty to confiscate them: But it was the express Commission of the Ship-Captains (and hath been so to all Men of War for above 400 years) and an inseparable Regality of the King of England, which authorise, and authenticate that action in full: It is no new Doctrine in England, to say no Ship can be protected in point of Amity, which should in any wise presume not to strike sail: Q. Elizabeth gave the same form of Commissions and Instructions to her Admirals; and if there never happened any rencounters in her times like unto this, it was because no Prince disputed the thing with her, and the Dutch were then the Distressed States. This Regality of having the Flag struck to the Navy Royal, or any part of it, is paramount to all Treaties, so far is it from being limited and

Honestè & laudabiter interponitur. Grot. ubi supra.

Appian de bell. Punic.

Xenophon. Cyri. p. 1. 2.

Zouch de jure fœciali part 2. sect. 10. qu. An bellum omiffa in ditione movere liceat? Arma Suecica, pag. 55.

Alberic. Gentilis de jure belli. l. 2. c. 2.

M. S. Comment. de rebus Admiral. fol. 28. Seiden. mare. clausum, l. 2. c. 26.

and restrained by the Treaty at Breda; and whatsoever contravenes it is not to be construed so as the breach of inferior Articles. The Right of the Flag is not demanded by virtue of the Treaty from the Dutch (though they cannot refuse it without annulling that treaty) but recognized there as a fundamental of the Crown and dignity of the K. of England. Such points are not the subject of Treaties, and no concessions were valid against them. In such cases we say, plus in talibus valere quod in recessu mentis occultatur, quam quod verborum formula concipitur. It is therefore evident, that nothing was acted on our side contrary to the said League, in reference to the Smyrna Ships: And the ensuing War (notwithstanding the 23. Article) is to be imputed to the perfidiousness of the States General; not that the private act and obstinacy of the Smyrna Ships did make it to be so, but the States General had justified Van Ghent in the like case, and by that solemn and notorious violation of the Nineteenth Article of Breda, in effect declared War against Us; and we needed not to declare any thing on our side; it not being judged necessary, but a superfluous Ceremony, for both parties to denounce War: And if the one party, as here the Dutch, do rescind a Treaty, (Leagues are individual acts, and the violation of one Article doth annul the obligation of the whole) then are we, ipso facto, in a condition of War, nor is it requisite the King declare himself: They that violate their Faith, render themselves incapable of wrong; and 'tis a vanity to multiply demonstrations of what the Dutch had already made publick: In fine, the Laws of War inform us, that the War is sufficiently declared, when all applications and Embassies become fruitless. And Divines tell us, that there are some cases when a man is absolved from the obligation of fraternal correction and admonition, viz. when the person offending is notoriously known, to be so perverse and obstinate, that all reproofs and warnings would be fruitless; for, say they, He that ploweth ought to plow in hope, 1 Cor. 9. 10. and where there is no hope of any good success by friendly applications,

Domin. Baudius de induciis l. 2.

Ab altera parte indicium esse sufficit. Grotius de jure belli. l. 3. c. 3. sect. 7.

Jura violanti jus redditur, si non praestatur. Item neq. his bellum indicetur, qui jam pro hostibus habentur: ut quid enim opus indictione, per quam denunciatio hostilitatis, si hostes sumus, & habemur. Quicquid demonstranda rei additur satis demonstrata frustra est. Etiam illud dixere fœciales, non opus esse renunciare amicitiam, cum legatis repentibus res pluries, ex nec essent reddita, nec fuisset aliter satisfactum. Alberic. Gentilis de jure belli. l. 2. c. 2.

In fraternali correptione inutilis admonitio omittenda est, Theologorum consensu. Genes. Sepulveda in Apolog. pro libro de justis belli causis.

there no man is bound in conscience or prudence to pursue them. Though this relate to private persons, yet the condition is the same in reference to Princes, seeing, that the chief ground of Embassies, and such like Remonstrances amongst Christian Potentates, is Fraternal Dilection; and therefore if the inutility and fruitlessness of a Negotiation, absolve us justly from it there, it will also do the same here: Wherefore, since his Majesty was convinced by the ill event of all his amicable applications to the Dutch, and understood so well the resolutions of the Hague, that they would not strike sail, he might justly omit all such formalities, and immediately proceed to carve out his own satisfaction by an advanced War.

Concerning the right of the Flag, it is in the first place to be remarked, that it is clearly intimated in the said Declaration, that That King by the said Right understands the Sovereignty of the Seas; since speaking of the Antiquity of the said Right, he adds therunto, that it is an ungrateful insolence, that We should offer to contend with Him about the said Sovereignty: Whereby it plainly appears, that the Flag and Sovereignty of the Seas are words of different sounds, but according to the Kings meaning of the same signification; so that We may easily conjecture, that the difference betwixt the King of England and this State about the said Pretended Right of the Flag (which is intimated to that Nation as the most important Grievance wherein the Peoples Honour is concerned) is not at present a Controvertie about Saluting and Striking of the Flag, and consequently no dispute in relation to the sense of the Nineteenth Article of the Treaty at Breda, but only a Contest about the Sovereignty of the Sea, which This State attributes to God Almighty alone; and the King of England usurpes to Himself, although perhaps per gratiam Dei, by which the most Absolute Princes govern their Lands and Territories. And the Ambassadour Downing also concerning the aforesaid sense of the Nineteenth Article, in his Memorial delivered in the Name of the King, demanded of the States a plain and clear acknowledgment of the aforesaid Pretended Sovereignty of the Seas.

Every

Every one than can tell of our Country-men, & the impartial World may see, that not the refusing to strike the Flag, in pursuance of the said Article (which was fully performed, as shall hereafter be made evident) but only a Refusal of the said acknowledgment hath been the subject of the King of England's complaint. And it is likewise easily to be apprehended, that at present the said Acknowledgment is demanded from the States, not by reason of the Justice of Right to the pretended affair, but only out of a plotted Design to war against Us, which design could not be put in Execution but by a demand of Impossible Satisfaction; for which intent the Ambassadour Downing propounded nothing else to the States than the Acknowledgment aforesaid, lest having made Propositions of other things, he might receive satisfaction for his King, who (he knew) would not be satisfied.

Of what importance the said Acknowledgment so demanded is, is not unknown to any of the Subjects of this State, whose only subsistence is Commerce, and consequently the Liberty of the Seas. I do believe that not one single Firtherman in our Country can be found (be he never so simple) that apprehends not his chiefest Interest to consist herein, and that to force the said Acknowledgment out of his throat, and thereupon to cause the Effects of the said Pretended Sovereignty to follow, is one and the same thing as to tye up his throat; or at least there is no other Distinction than betwixt a speedy and a tedious (yet assured) Death: since after the said Acknowledgment there can at the best nothing else be expected from the King of England's Grace and Favour, than an option and choice of a sudden period, or a lingering disease, which is worse than a precipitated death.

And although the King of England extends not his pretended Dominion further than the British Seas, yet it is evidently known, that the Limits of the said Seas are by the King stretched out so far, that not the least part for a passage out of our Country is left, which is not in respect of his pretended Sovereignty subjected to the King according to his sense; considering that not only the Chanel, but also

(46)

to the North Sea, and a great part of the Ocean is by the King of England accounted the *British Sea*: so that We should not be able out of our own Country to set out to Sea, but only by the Grace and Favour of the King of England, of which we should be assured far less than now we are of his faith and promise.

We shall not enter at present to confute the aforesaid pretences to the Sovereignty of the Sea, not only because the same would prove too prolix, but also (and that principally) by reason it cannot be judged necessary to contradict what all the World holds to be impertinent, except the King of England, who as little can adhere to reason, as with reasonable offers he will be satisfied. We shall only say, that it is false, and never can be proved, that we ever fished in the Sea with licence and permission of the King of England's Father, and that for paying Tribute, as the aforesaid Declaration expresseth.

We confess, that in the year 1636. some of the King of England's Ships of War seized upon our defenseless Herring-busses, and that by mere violence they forced a sum of money from them, which they called Tonnage-money; but we deny that from thence any Right or Title can be derived, not only because violence can create no Right (no not by continuance) but also because the aforesaid violent exaction was not continued; Complaints being made in England of the aforesaid exorbitance, the same afterwards was no more demanded.

We shall, with favour of the courteous Reader, passing to the business of the Flag, so as the same in the Nineteenth Article of the Treaty at Breda is regulated (which Article must decide this Controversie) briefly demonstrate that nothing was committed by the Lord of Ghent in the late Encounter contrary to the said Article; and moreover, that what hath been offered to the King of England, by this State, over and above the obligations of the said Articles, is of so convincing a concession, that we need not fear to refer it to the judgment of the English themselves, as promising to our selves from the said peoples discretion, that (in respect this State hath given abundant satisfaction to them in point

(47)

point of Honour) they will scorn and detest to demand that We should acknowledge the Sovereignty of the Sea (proceeding only from a desire of War) to belong to Them.

It is evident, and amongst all discreet persons without Controversie, that Saluting at Sea, either by firing of Guns, or striking the Flag, or Lowring of some Sail, must not be interpreted as some sign of subjection, but merely for an outward testimony of Respect and Civility, which then with a Resolute and the like Civility is required; and so far as concerns the first saluting, whereof We only here shall make mention, it is conceived, since those commonly first salute, that obone themselves inferiours in Rank and Worth to those they meet, although they are not under subjection to them, that Ships of Republicks meeting at Sea with Ships of War belonging to Crowned Heads (to which Republicks yield Superiority in the World) must give the first salute either with one or other sign of respect; which respect notwithstanding (as all other Acts of Civility) must proceed from a free willingness, and an unconstrained mind, in those that shew the same: yet it hath often been seen, that the strongest at Sea hath forced the weakest to this submission; and that likewise the necessity and manner thereof hath been expressed in Articles.

Such is likewise concerning the same agreed on betwixt the King of England and this State in the said Nineteenth Article, in conformity to former Articles, as well concluded with the present King as the Protector Cromwell, that the Ships and Vessels of the United Provinces set out to Sea as well for War and defence against Enemies, as others, which at any time should meet in the British Seas with any of the Ships of War of the King of Great Britain shall strike their Flag, and lowr their Top-sail, in the like manner as formerly hath been customary.

To apprehend the true sense of that Article (as it ought to be) let the Reader be pleased to take notice, that the same proceeded originally from the Articles betwixt this State and the Protector Cromwell, concluded in the year 1654. and that at that time the same was not expressed in such terms, as after a long debate of some words which the Protector

Protector Cromwell would have added thereunto, thereby not only to oblige single Ships, but entire Fleets of the States to the said Salute, in case of meeting with any of the Ships of War belonging to England; which words afterwards upon the earnest instance of the Ministers of this State, were left out of the said Article; so that the aforesaid Nineteenth Article, drawn out of the tenth Article of the Peace in the year 1662. which tenth Article on the Kings side was delivered in out of the thirteenth Article of the year 1654. must not be so understood that an entire Fleet of the States, by vertue of the said Article, shall be obliged to give the said Salute to one single Ship of the English: but the said Article must be taken for a Regulation, according to which single Ships and Vessels of this State in point of saluting the Ships of England are to govern themselves.

Now to apply the said Article (according to the true sense) to the late accident of the Lord of Ghent; it is in the first place to be observed, that the King of England's Pleasure-Boat (suppose, in respect of her Equipage, it must pass for a Ship of War, which we will not dispute) not having met with any single Ships or Vessels of the States, but coming in amongst a Fleet, then riding at Anchor (undoubtedly with a wicked design to seek matter of Complaint) it with no fundamental reasons can be maintained that the Lord of Ghent, by vertue of the said Article, was obliged to strike.

Secondly, It is likewise considerable, that the aforesaid Article speaking of meeting, cannot be applied to a formed design, to cause a Quarrel by requiring in the uncivillest manner in the world an act of Civility and Respect.

And lastly, It is notorious that the said accident happened in the North Sea, not far from our own Coast; as likewise it is well known, that the North Sea is not the British Sea, not only because in all Sea-plats (yea in the English Seas it self) it is distinguished from all other, but also and especially (which in this case is an invincible Argument) by reason the same in the seventh Article of the Treaty

Treaty of Breda are distinctly mentioned one from the other, where it is expressly said, that All Ships and Merchandizes, which within twelve days after the Peace are taken in the British Sea, and the North Sea, shall continue in propriety to the Seizer; out of which it plainly appears, that, even according to the King of England's sense, the North Sea differs in reality from the British Sea; but (vice versa) that the North Sea is made the British Sea, and consequently that distinct things are confounded together, where there is a design to raise commotions and disturbances in the world.

And though their High and Mighties might have kept to the Nineteenth Article of the said Treaty, according to the true original interpretation, yet they declared to the King of Great Britain, that upon the foundation and condition of a firm friendship, & assurance of a real and sincere performance thereof (upon the fifth Article of the Triple Alliance, in case France should fall upon this State) they would willingly cause the entire Fleet, when they should at any time meet with any Ship or Ships of War, carrying his Majesties Standard, to strike the Flag, and lower the Top-sail in testimony of their Respect and Honour, which they upon all occasions will publicly shew to so faithful a Friend, and so great a Monarch; Prohibited that from thence no occasion, either now or hereafter should be taken, or the least inducements given to hinder or molest the Inhabitants and Subjects of the United Provinces of the Netherlands in their Free use of the Seas: which Declaration the King of England wrongly interprets, because that the same is joined with the true performance of the Triple League, that is, with his Honour and Word; as also with the assurance that no prejudice should be offered in regard of the Free use of the Seas: being an infallible argument that The King of England is as little inclined to leave us an undisturbed use of the Seas, as He is to keep and perform his word.

I have already demonstrated the Justice and Honour of his Majesties Arms. This Discourse gives me occasion to manifest

nifest the *Necessity* thereof: All that is recited here, was alledged by the *Dutch* Ambassadors to our King; and if it appear hence, that His Majesty could not continue his Alliance any longer with the *Dutch*, unless He would abandon the *Sovereignty of the Sea*, exchange his proper Rights into meer *Civilities* (and those not to be enforced) and put Himself and his *Dominions* into the Power of the *Dutch*: there is none then can doubt but That the King was unavoidably engaged into this War, by the insolence and arrogance of the treacherous and usurping *Hollanders*, and that He did not seek or feign pretensions to quarrel with them.

The *Nineteenth Article* of the Treaty at *Breda* doth run thus.

That the Ships and Vessels of the said *United Provinces*, as well Men of War as others, meeting any Men of War of the said King of Great Britain's in the *British Seas*, shall strike the Flag, and lower the *Top-sail* in such manner as the same hath been formerly observed in any times whatsoever.

This Article was transcribed out of a former Treaty made betwixt *O. P.* and the *States General*: and he was the first that ever inserted any such Article into any Treaty; our Right and Dominion over the *British Seas* having never been disputed before, but by an immemorial prescription and possession transmitted unto us, and supposed as unquestionable by all Princes: these ungrateful *Dutch* are the first that controverted it, disowning it in the time of the late Wars (when our *Civil distractions* rendered our Prince unable to attend unto the *Maritime Dominion*, and to curb their growing pride) yet was the long Parliament so concerned to preserve the Rights of this Nation, that they made an Ordinance, April 5. 1643. commanding their Admiral and Commanders at Sea to enforce all persons to pay the usual and due submissions unto the Men of War appertaining to this Kingdom. And the pretended Republick here did vigorously, and by a dreadful War assert the said *Sovereignty of the Seas*. So that it ought to be deemed the concurring sentiment of All parties in England, that These submissions by striking the Flag, and

and lowering the *Top-sail*, are not meer *Civilities* and unnecessary *Punctilioes of Honour*, and *vain-glory*, but a fundamental point, whereon the Being of the King and Kingdom is in great part suspended: and it hath been so studiously insisted on by our Princes, that for above Four hundred years it hath been a Clause in the Instructions of the Admiral and the Commanders under him, that in case they met any Ships whatsoever upon the *British Seas*, that refused to strike Sail at the Command of the Kings Admiral, or his *Lieutenants*, that then they should repute them as *Enemies* (without expecting a declared War) and destroy them and their Ships, or otherwise seize and confiscate their Ships and Goods. And these Instructions have been retained in use, as well since the Treaty of *Breda*, as before it. The like Instructions are given by the *Venetians* to their Captains in reference to the *Adriatick Sea*; and by several other Princes.

M. S. Commentar. de rebus Admiral. fol. 28. Selden mare clausum. lib. 2. c. 26.

It is manifest, and agreed upon by the Considerer, that this Article must decide the present Controversie, and 'tis no less evident that this Article doth decide it to their prejudice, and that they are inexcusable as to the breach thereof. I will not stretch the words of the Article so far, as to infer, that they ought to strike Flag in acknowledgment of the *Sovereignty of the Sea*, since otherwise they do not strike it in such manner as the same hath been formerly observed in any times whatsoever, though the words oblige them not only to the thing, but circumstantiate the manner of it. Let their sentiments be free; but yet let us see how they comply with the Article, as to matter of Fact; They say that *O. Cromwell* would needs after a long debate have those words put in, whereas the Article was otherwise penned at first. But this allegation is impertinent; since we now enquire not into What was at first debated, nor insist upon the first draught of the Treaty, but what was at last ratified and confirmed on both sides; For 'tis thence ariseth the Obligation. Secondly, They say, that by the earnest instance of their Ministers, *O. Cromwell* was so far prevailed upon, as to relax that Article, and leave out the said words; and therefore the Article must not be so understood, as if an entire Fleet of the

States by virtue thereof should be obliged to give the said salute to one single Ship of the English; but the said Article must be taken for a Regulation, according to which, the single Ships and Vessels of their State, in point of saluting this Ship of England, are to govern themselves. To this I reply, that it is not credible, nor believed here by any that were privy to the transactions of O. Cromwell, that ever he consented to any such alteration in the said Article: There is no proof of any such thing alledged, and 'tis notoriously known to all our Admiralty, that he never did vary his Instructions and Commissions in the Navy, but enjoined them, as before, to enforce all Ships to strike, without regarding whether they were entire Fleets, or single Ships: And I think this to be a demonstration of the falshood of the Dutch in this suggestion. Lastly, I find the Articles of peace published at Amsterdam in 1655. in Latine, where is not any such thing to be seen, as is here insinuated.

Artic. 13.

13. Item quod Naves & Navigia dictarum federatarum provinciarum, tam bellica & ad hostium vim propulsandam instructa, quam alia, que alicui e navibus bellicis hujus Reipublice in maribus Britannicis obviam dederint, vexillum suum e mali vertice detrahent, & supremum velum demittent, eo modo, quo ullis retro temporibus, sub quocunq; anteriori regimine, unquam observatum fuit.

This is sufficient to disprove this impudent forgery of the Considerer; but had any such thing intervened betwixt the State and O. P. if it do not appear, that His Majesty did make the like accord, how comes it to pass, that the expressions of his Majesty must be construed by the sense of Cromwell? If this Notion of exempting Fleets from saluting any single Man of War, were never thought upon, nor mentioned, much less debated and decided at the Treaty of Breda, doth not common Equity and Reason oblige the Dutch to acquiesce in the plain

Adolphus Brachelius, histor. nostri tempor. Amstelredami. 1655.

plain sense of the words, and not to distort or pervert them by far-fetch'd interpretations and evasions? It is usual in the last Articles of Treaties, or in the Ratification, for Princes to express that they do sign, consent, and ratifie the Agreement in its true, proper, and most genuine sense: or, sincerely, and bona fide: and where it is not so declared, yet it is understood in all Contracts, but more especially in the Contracts of Sovereign Princes; and Charles V. and Lewis of France are blamed for making use of those little shifts and elusions of Treaties, which better become a Pettifogger, than a King. This is the common Tenet of the Civil Lawyers, and consonant to the Law of Nations: It is true there lies a ready Evasion; for All this is averred concerning Princes and their Contracts; but the Dutchmen have nothing that is Royal amongst them, their High and Mighties are not Princes, and they have different jura Majestatis, as they have different ends from the generous and sincere part of mankind. After an impertinent Harangue concerning God, Piety, Protestancy, they are absolved from giving honour to them unto whom honour is due, Reverence to whom reverence; or Right to whom right: They can plausibly recede from, and evert an Article that is prejudicial to their Interest and insatiable Ambition, and impudently exempt Fleets from amongst the number of Ships. Such men presume strangely upon their power, or the stupidity of the world, that impose thereon such Stiffness as these. There was no such word mentioned, no such interpretation proposed at Breda, much less assented unto. The common usage of that Naval term admits not thereof, and the immemorial practice at Sea to the contrary doth sufficiently refute this senti-

In the 33th Article at Breda, it was agreed that both parties should truly and firmly observe the League. And Article 36. that the confederacy should be duly, and bona fide, observed.

Principum contractus omnes sunt bonæ fidei.---- fides exuberantior requiritur in contractibus principum, ut ipse ait Baldus.---- Non strictum hic jus, aut juris rigorem sectabimur: sub quo plerumque erratur perniciosè. Non admittemus disputationes subtiliores, deque apicibus juris: quæ æqui & boni ratione prætermittenda, res examine ad vivum solent. Quales isti esse debent contrahentes, tales sint: quoniam & tales creduntur. Et itaque fraudes omnes absint, & exceptiones omnes subtilis juris cessent, tantumq; dicatur quod principem deceat. Albericus Gentil. (ex communi sententiâ J.C.) de jure belli, l. 3. c. 14. & ibi lib. 2. c. 4. Zouch. de jure faciali, part 2. sect. 4. Grotius de jure belli, l. 2. c. 16. sect. 20.

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(54)

ment. The *Ambassadors* had no power delegated them to part with such a Regality; and perhaps it may be said, that the *King* himself hath no such Authority as can devest the *Crown* thereof. However, if any such thing had been done, had such a sense been admitted of, or intended by the *Dutch*, Why did not *They* urge it sooner, and demand that the *Instructions* to our *Admiral* and the *Commanders at Sea* should be changed from what they have been during the space of above four hundred years? Their *High and Mighty* have very much prejudiced themselves in the opinion of all prudent men by so long a silence; and in the judgment of all honest persons, by remonstrating thus now, since thereby they declare that to be the right sense of the *Article*, which is indeed non-sense, and that to be Justice which is, as notorious an *Usurpation* as any *Chronicles* inform us of.

But lest this sense of the *Article* should not be admitted of, *They* say further in defence of themselves, that since in the judgment of the *King of Great Britain*, the striking of the *Flag*, and the acknowledging the *Sovereignty* of the *Sea* are equipollent things, and that by the one His Majesty understands the other, they cannot consent to the striking of the *Flag*, lest it should be construed to a yielding him a *Sovereignty* and *Dominion* over the *Sea*: which is too much for these *High and Mighty* Zealots, and such *Protestants*, that, abominating all *Image-worship*, cannot endure any *Monarchs*, because they are (as I may say) visible *Deities* and *Divine representations* of that *One God*, who providentially rules the *Universe*; nor can they tolerate their *Usurpations* upon the *Rights of God Almighty*, who is alone *Sovereign of the Sea*.

If I were not in haste, I would animadvert upon that passage of the *Considerer*, whereby he intimates, that *All absolute Princes are Usurpers*, *Governing their Lands and Territories*, per *Gratiam Dei*, by which the *King of England*

Summo consensu prudentium traditur, istiusmodi jura, quæ Coronæ annexa sunt, ita ut ab eâ divelli nē quidem per ipsam Principem queant, nec lapsu temporum, nec ullâ conventionē posse præscribi, aut usucapi, quin quandoq; ad pristinum statum revocari possint. Nec successores ex tali contractu obligantur. Jaminius apud D. Baudium de induc. Belgic. l. 3.

(55)

land usurps the *Dominion of the Sea*: In another place, he intimates as if *all Princes were Tyrants*, and *all Monarchy Tyranny*: In a third, he detracts from *Monarchy*, alledging that *Monarchs* are generally swayed by their *wills and lusts*, and that *the most efficacious reasonings of Princes and Monarchs are their Arms*: Such insinuations as these ought to exasperate all *Princes* against them; and indeed this other controversy about the *Dominion of the Sea* extends not only to the *King of England*, but to the *Kings of France, Spain, Portugal, Sweden, Denmark, &c.* to the *Republicks of Venice, Genoa, &c.* All which are no less notorious *Usurpers* than his Majesty of *Great Britain*: and if the *King of England* be an *Usurper* upon the *Rights of God*, by exercising a *Sovereignty over the British Seat*, the *Dutch* have contributed very much to such *Usurpation*, by permitting him to continue it so long: When they were the *Distressed States*, and tendered the *Sovereignty* of their *Provinces* to *Queen Elizabeth*, their *Embassadors* urged this unto Her as one inducement, that *Thereby She might ensure her self of the Dominion of the Great Ocean*: From whence any *Englishman* may collect, *How much it importeth us, that these Hollanders be rather Distressed, than High and Mighty.*

Concerning the *Dominion of the Sea*, that we may the better understand the *Controversie*, and the *justice of his Majesty's demands*, 'tis requisite that we distinguish upon the word *Dominion*, which is equivocal. *Dominion* imports one thing in respect to *Jurisdiction* and *Protection*, which the *Doctors of the Civil Law* call *Sovereignty* or *Universal Dominion*, such is that of a *Prince* over the *persons* and *estates* of his *Subjects*: And another thing in reference to *Propriety*, which they term *particular Dominion*, whereby any *private person* is invested in his *Goods and Estate*. Thus the *King of England* hath an *Universal Dominion*.

Illud unum inter alia præcipue perpendendum, fœdus Hollandiæ, Zelandiæ, Friis, Ostendæ, & Sluis, cum sua Majestatis regni unitum proculdubio plenum magni maris dominium, & perpetuam certamq; sua Majestatis subditis salutem atque prosperitatem esse allaturum. A. E. Mercur. hist. Belg. ad an. 1585.

Dominion over the *British Seas*, whilst yet *his Subjects* retain their *proprieties* in their *several Fisheries*.

Joan. Palatius de dominio Maris, lib. 1. c. 11.

The effects of this *Dominion Universal*, or *Sovereignty* which accrue to a *Prince*, are these,

1. Not only the *Regality* of the fishing for *Pearl, Coral, Amber, &c.* but the *direction* and disposal of all *other Fish*, according as they shall seem to deserve the regards of the *publick*: as in *Spain, Portugal, &c.* is used.

Grotius de jure belli. l. 2. c. 3. sect. 15.

2. The prescribing of *Laws and Rules* for *Navigation*, not only to his own *Subjects*, but unto others *Strangers*, whether they be *Princes of equal strength and dignity* with himself, or any way *inferiour*. Thus the *Romans* did confine the *Carthaginians* to equippe out no *Fleets*; and forbade *Antiochus* to build any more than *twelve Ships of War*. The *Athenians* prohibited all *Median Ships of War* to come within *their Seas*, and prescribed to the *Lacedaemonians* with *what manner of Vessels* they should sail. All *Histories* are full of *such Presidents*, which *Princes* have enacted either upon *agreements enforced upon the conquered, or Capitulations*, betwixt them, and others: (their equals or inferiours) for *mutual conveniences*.

Joan. Palatius ubi supra; Julius Pacius de dominio Maris Adriatici.

3. The power of imposing *Customs, Gabels, and Taxes* upon those that navigate in *their Seas*, or otherwise *Fish* therein: which they do upon *several rightful claims*: As *protecting* them from *Pyrates*, and all other *Hostilities*; or assisting them with *Lights and Sea-marks*: For which advantages, *common equity* obligeth those that reap benefit thereby, to repay it by *some acknowledgment*, which ought to be proportioned to the *favour received*, and the *expense* which the *Prince* is at to continue it unto them.

4. As it is incumbent on a *Prince*, duly to execute justice in his *Kingdoms by land*, so the *Sea* being *His Territory*, it is requisite and a necessary effect of his *Dominion*, that He cause justice to be administered in case of *maritime delinquencies*.

5. That

5. That in case any *Ships* Navigate in *those Seas*, they shall *Salute his floating Castles*, the *Ships of War*, by *loosing the Top sail, striking the Flag*, (those are the most usual courses) in like manner as they do *His Forts* upon *Land*. By which sort of *Submissions* they are put in remembrance, that they come into a *Territory* wherein they are to own a *Sovereign Power and Jurisdiction*, and receive *Protection* from it.

These are the proper effects of a *real and absolute Sovereignty* over the *Seas*; which how they are possessed by the *Venetians*, this following account will shew.

The *Gulf of Venice* is nothing else but a large *Bay*, or inlet of the *Sea*, which entering in betwixt two *Lands*, and severing them for many miles continuance, in the end receives a stop, or interruption of further passage, by an opposite *Shore*, which joyns both the said opposite *Shores* together. It is called the *Gulf of Venice*, from the *City of Venice*, situated upon certain broken *Islands* near unto the bottom thereof. It is also called the *Adriatick Sea*, from the ancient *City Adria*, lying not far distant from the former. From the entrance thereof unto the bottom it contains about 600 *Italian miles*: where it is broadest, it is 160 miles over; in others but 80, in the most, 100. The *South-West shore* is bounded with the *Provinces of Puglia and Abruzzo* in the kingdom of *Naples*; the *Marquisate of Ancona and Romagna* in the *Pope's State*; and the *Marquisate of Trevisana* in the *Venetian State*. The *North part* of it, or bottom, hath *Friuli* for its bounds; the *North-East* is limited by *Istria, Dalmatia, Albania, and Epirus*; whereof *Istria* doth not so intirely belong to the *Venetians*, but that the *Emperour*, as *Arch-duke of Gratz*, doth possess divers *maritime Towns* therein. In *Dalmatia*, saving *Zara, Spalato, and Cattaro*, they have nothing of importance, the rest belonging to *Ragusa and the Turks*; In *Albania and Epirus*, they possess nothing at all, it being entirely the *Turks*. So that he, who shall examine the circuit of this *Sea*, which must contain above 1200 miles, shall find the shores of the *Venetian Signory* not to take up 200 of them, omitting some scattered *Towns and dispersed Islands*, lying on the *Turkish side* of the

(58)

the Adriatick Shore. For the securing hereof from the depredation of Pirates, and the pretenses of divers potent Princes, as the Pope, Emperour, King of Spain, and the great Turk, who have each of them large territories lying thereupon; also to cause all Ships which navigate the same, to go to Venice, and there to pay Custome and other duties, the Republick maintains continually in action a great number of Ships, Gallies and Galliot, whereto also they adde more, as there may be occasion; whereof some lye about the bottom of the Gulf in Istria, others about the Islands of Dalmatia, to clear those parts of Pirates, who have much infested those Seas: others, and those of most force, have their stations in the Island of Corfu, and Standia: in the first of which commonly resides the Captain of the Gulf, whose Office it is to secure the Navigation of the Gulf, not only from the Corsaires, but to provide that neither the Gallies nor Ships of the Pope, the King of Spain, nor great Turk, do so much as enter the same, without permission of the Signory, and upon such conditions as best pleaseth them; which they are so careful to effect, that in the Year 1638. the Turkish Fleet entering the Gulf without license, was assailed by the Venetian General, who sunk divers of their Vessels, and compelling the rest to fly unto Valona, he held them there besieged, although the same City and Port whereon it stands, be under the jurisdiction of the Grand Signior. And notwithstanding that a great and dangerous War was likely to ensue thereupon, betwixt the Grand Signior and the Republick, because the Venetian General, being not content to have chased them into their own ports, did, moreover then that, sink their Vessels, and landing his men, slew divers of their Mariners who had escaped his fury at Sea: yet, after that, a very honourable Peace was concluded again betwixt them, wherein, amongst other things, it was agreed, that it should be lawful for the Venetians, as often as any Turkish Vessels did, without their license, enter the Gulf, to seise upon them by force, if they would not otherwise obey: And that it should likewise be lawful for them so to do, within any Haven, or under any Fort of the Grand Signors, bordering on any part of the Venetian Gulf. — In the Year 1630.

Mary

(59)

Mary sister to the King of Spain, being espoused to the Emperours Son Ferdinand, King of Hungary, the Spaniards designed to transport her from Naples in a Fleet of their own. The Venetians suspected that they had an intention hereby to intrench upon, and privily to undermine, by this specious president, that Dominion of the Sea which the Signory had continued inviolate time out of mind; and that they took this opportunity when Venice was involved with a War abroad, and infested with the Plague at home, and therefore not in a condition to oppose their progress. The Spanish Embassadour acquainted the State, that His Masters Fleet was to Convey the Queen of Hungary, being his Sister, from Naples to Trieste: The Duke replied, That her Majesty should not pass, but in the Gallies of the Republick: The Spaniard repined thereat, pretending that they were infested with the Plague. The Senate being consulted, came to this resolution, That the Sister of his Catholick Majesty should not be transported to Trieste any other way, then by imbarcking on the Venetian Gallies, according to the usual manner of the Gulf; and that, if the Embassadour would acquiesce herein, Her Majesty should be attended, and used with all that respect and deference which became her quality. But if she proceeded in any other way, the Republick would by force assert her proper rights, and attacque the Spanish Navy as if they were declared enemies, and in hostile manner invaded them. Whereupon the Spaniard was compelled to desire of them the favour to transport the Queen in their Gallies, which Antonio Pisani did perform with much state and Ceremony: and the courtesie was acknowledged by solemn thanks from the Court of the Emperour, and of Spain.

Joannes Palatinus doth furnish me with many more cases wherein the Venetians have practiced immemorially, and Foreign Princes approved of their Sovereignty of the Adriatick Sea; and had our Nation been hitherto as prudent in the perpetual vindication of their Rights, as that Republick, His Majesty had not been put to this

Joan. Palatinus de do-
min. matris. lib. 2. c. 6.

trouble, nor his Subjects endangered, as they are, by this War with Holland. Howsoever, 'tis manifest that they did alwaies immemorially challenge the Dominion of the Brittiſh Seas, and have never abandoned that Regality, but ſo as to preſerve their Right unto it by the exerciſing of ſeveral Acts that reſult from the entire Dominion of the ſaid Seas.

Selden. mare clauſum, l. 2. c. 14.

Id. ibid. c. 11, & 15.

1. As to that *Universal Dominion* which is inferred from the *Protection of the Seas*. It is evident that our Admirals by their *Commiſſions* have ever been encharged with the *Guardianship and Protection of the ſaid Seas*; and they were ſtyl'd of *Old Guardians of the Seas*: the denomination of *Admiral* is more modern. But with the ſame, their *Power and Inſtructions* were not varied, they being ſtill deſigned *pro ſalvâ custodiâ & defenſione Maris*: And there was a particular *Tax* raiſed on every *Hyde* of land in this Kingdom, called *Danegeld*, at firſt exacted by the *Danes* in lieu of their *protection of the ſaid Seas*, and continued after their *ejectment*, by our *Engliſh Kings before and ſince the Conqueſt* unto the Reign of *K. Stephen and Henry II.* for the *Guardianship of the Seas*: and after that the *Danegeld* was abolish'd, ſeveral *Lands* were charged particularly for the *defence of the Seas*: and *Subſidies* have been demanded of the people to the ſame *purpose*.

Id. ibid. c. 24.

2. As to that *Dominion of the Sea* which is exemplified by *Acts of Jurisdiction*, it is manifeſt that the *Engliſh* have been immemorially poſſeſſed thereof. Thus *Edward the Firſt* made *Laws*, for the retaining and conſerving of the ancient *Superiority of the Sea of England*, and for the maintaining of *Peace and Juſtice* amongſt all people, *what Nation ſoever*, paſſing thorough the *Sea of England*; and to take *cognizance* of all attempts to the contrary in the ſame, and to *puniſh Offenders*, &c. In the like manner did his *Royal Predeceſſors*. And the ſo famed *Laws of Oleron* (an *Iſland ſeated in Aquitaine*; at the mouth of the *River Charente*) were publiſhed in that *Iſle* by *King Richard the Firſt*, as *ſole Ruler and Moderator of Sea-affairs*; which hold in force to this day, and

and are the *Laws of our Admiralty*. And this *Dominion* is further elucidated from hence; that *Our Kings* (as appears by the *Parliamentary Records* of *King Richard the Second*) impoſed a *Tribute, or Cuſtome*, upon every *Ship* that paſſed thorough the *Northern Admiralty*, which ſtretched it ſelf from the *Thames* mouth along the *Eastern ſhore of England* towards the *North-East*, for the pay and maintenance of the *Guard or Protection* of the *Sea*. Nor was it impoſed onely upon the *Ships* of ſuch *Merchants and Fiſhermen* as were *Engliſh*, but upon any *Foreigners* whatſoever: no otherwiſe then a man that is *Owner of a Field*, ſhould impoſe a *yearly revenue or rent* for the liberty of *Thorow-fare*, or driving of *Cattel, or Cart*, thorough his *Field*: And if any were unwilling to pay the ſaid *Tribute*, it was lawful to *compel* them; there being certain *Officers* that had authority to exact it, having the command of *ſix Ships*, men of *War*. The *Original record* is penned in the *Norman language* (as were almoſt all *Records of Parliament* in that age) and is thus *Engliſhed*.

Rot. Parl. 2 Rich. 2. part. 2. Art. 38. in Schedula.

This is the *Dominante and Grant* by the advice of the *Merchants of London*, and other *Merchants* towards the *North*, by the aſſent of all the *Commons in Parliament*, befoze the *Earl of Northumberland*, and the *Mayor of London*, for the *Guard and tuition of the Sea*, and the *Coaſts of the Admiralty of the North*, with two *Ships*, two *Barges*, and two *Ballingers*, armed and fitted for *War*, at theſe rates following:

First, To take of every *Ship and Bark*, of what burthen ſoever it be, which paſſeth thorough the *Sea of the ſaid Admiralty*, going and returning, for the *Woyage*, upon every *Tun VI*. Except *Ships* laden with *Wines*, and *Ships* laden with *Merchandises* in *Flanders*, which are freighted for and diſcharged at *London*; and *Ships* laden with *Wools* and *Skins* at *London*, or elſewhere within the ſaid *Admiralty*, which ſhall be diſcharged at *Calais*: which *Ships* the *Guardians of the ſaid Sea* ſhall not be bound to *Convey* without allowance.

Item

Item, To take of every Fisher-boat that fisheth upon the Sea of the said Admiralty for Herrings, of what burthen soever it be, for each week, of every Lun VI^d.

Item, To take of other Ships and Fisher-boats, that fish for other kinds of Fish upon the Sea, within the said Admiralty, of what burthen soever they be, for three weeks, of every Lun VI^d.

Item, To take of all other Ships and Vessels passing by Sea, within the said Admiralty, laden with Coals from New-Castle upon Tyne, of what burthen soever they be, for a Quarter of a year, of every Lun VI^d.

Item, To take of all other Ships, Barks, and Vessels, passing by Sea, within the said Admiralty, laden with Goods of any Merchants whatsoever for Prussia, or for Norway, or for Scone, or for any other place in those parts beyond the Sea; for the Voyage, going and returning, every Last VI^d.

The Imposition here laid upon all Fishers that took Herrings, or other Fish, upon the Sea within the Northern Admiralty, sheweth the Antiquity of the right his Majesty hath unto that Regality within the British Seas: but the benefits accruing to the Crown from this speciality of the Maritime Dominion, were not alwaies raised in one and the same manner. In the Ordinance aforesaid the Fishermen purchase their Liberty of Fishing, by a sum of mony to be paid weekly. At other times I read that the Hollanders, and Zealanders, every year did repair to Scarborough Castle, and there, by ancient custome, obtained leave to Fish, which the English have ever granted them, reserving alwaies the Honour and Priviledge to themselves. Amongst the Records of the time of Edward the First, there is an Inscription, *Pro hominibus Hollandie, &c.* For the Men of Holland, and Zealand, and Friesland, to have leave to Fish near **Bernemuth**; and that King's Letter for their Protection is extant. And if we do not continually read of special Licenses granted to Forreigners in reference to the Fishery; the reason is, because by the Leagues that were made with the Neighbouring Princes, a License or Freedome of that kind (as also of

Selden, mare claus. l. 2. c. 21.

Rot. Patent. 23. Edw. 1. membr. 5.

Ports,

Ports, Shores, Passages, and other things) was so often allowed by both Parties, that as long as the League was in force, the Sea served as if it were a common-Field, as well for the Forreigner that was in Amity, as for the King of England himself, who was Lord and Owner. But yet in this kind of Leagues sometimes the Fishing was restrain'd to certain limits; and the limits related both as to place and time: so that, according to agreement, the Forreigner in Amity might not Fish beyond these limits; the King of England retaining absolute Dominion over the whole adjoining Sea. Thus by an Agreement betwixt France and England, the French are excluded from that part of the Sea which lies towards the West and South-west, and also from that which lies North-east of them; but permitted freely to Fish throughout that part of the Sea, which is bounded on this side by the Ports of Scarborough and Southampton, and on the other side by the Coast of Flanders, and the mouth of the River Seine: and the time is limited, betwixt Autumn, and the Calends of January following. But in the League of mutual Commerce betwixt Henry the Seventh, and Philip Duke of Burgundy, &c. Earl of Holland and Zealand, A.D. 1459. Chap. 14. It was agreed that the Fishermen of each parts of what condition soever they be shall Sail and pass freely every where, and Fish securely without any impediment, License, or Safe-conduct. From the which Leagues it is a genuine inference, that His Majesty hath the Dominion of the Seas as to Fishing, and that the Liberty thereof is not to be obtained but by License, or Compact, wherein the general emolument arising from the League supplieth the advantage that would otherwise accrew from particular Licenses. It being thus evinced that the Sovereignty of the English Seas, as to the Fishing, doth appertain unto His Majesty. I proceed to Scotland, where I find the same power invested in the Crown thereof; so that the Right of His Majesty unto the Fishing there is as unquestionable as His Succession to the Kingdom. I have not read in the Scotch Laws, that ever there were Licenses given to any for Fishing; but every Fisher, as well Forreigner,

Selden, mare claus. l. 2. c. 25. ex Rot. Francia. 5 Hen. 4. 29 Septemb.

Jo. Isaac Pontanus disc. Hist. l. 1. c. 14.

1773. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Forreigner as Native, was to pay an *Assize-Herring* unto the King, and this *Assize-Herring* is an unalterable *Regality* of that King.

Jacobi 6. p. 15. c. 237.

It is Statute and Ordained that all Infeftments and alienations in Feff, firme, or othertoles, and all rentalls, affedatones and difpofitiones quhatfomever, in all time by gane, and to cum, of the *Assize-Herring*, is null and of nane availle: Because the laid *Assize-herring* perteinis to our Sovereigne Lozde, as are part of his customes, and annered property.

Concerning the Nature and Antiquity of the *Assize-Herring*, I find this most authentick account given by Mr. John Skene Clerk of the King's Register, Council and Rolls, in a treatise *de verborum significatione*, annexed to the *Laws of Scotland*, and Printed at *Edinburgh*, A. D. 1597. *Cum privilegio regali.*

Assisa Halecum, the *Assize-Herring* signifies an certaine measure and quantity of *Herring*, quilk perteinis to the King as ane part of his customes and annered property. *Jac. 6. p. 15. c. 237.* for it is manifest that Hee shuld have of every Boat that passis to the ozave, and Slays herring, ane thousand herring of ilk tak that balds, viz. of Lambmes tak, of the Winter tak, and the Lentrone tak.

What *Dues* and *Customes* the Kings of *Scotland* had upon other *Fish*, I know not, but that He did exact some, and exercised the *Dominion of the Sea* in reference to the *Fishing there*, is apparent by these *Laws*, ordaining, That all manner of *Fischeres*, that occupie the *Sea*, and utheres persons quhatfomever that happens to *slay Herring* or *Daithe fish* upon the *Coast*, or within the *Fles*, or out with the *Samen* within the *Fritches* bying them to *free ports*, &c. where they may bee sold to the *Inhabitants* of the same *kingdome*, quhair by his *Base-Bies* customes bee not defrauded, and his *Wienesse* *Wleges* not frustrate of the commodity appointed to them by *God* under the paine of confiscation, and tynsell of the *Weschelles* of them that comes in the contrair thereof, and

Selden, l. 2. c. 37. ex Parliament. 4. Jac. R. 6. c. 60. & Parl. 6. ejusdem c. 86.

and escheating of all their movable goods to our Sovereigne Lords use. — In this condition were the Rights of the *Fishing* until the *Dutch* did advance themselves to that height and puissance, that they esteemed themselves able to infringe them, and such was their *Covetousness* (which prompts them that are infected therewith to value the smallest and most unjust Gains) that they determined to do it.

In the year 1594. James VI. King of *Scotland*, apprehending the growth of these *Netherlanders*, and their influence upon the *English Nation* by reason of the multitudes of our *Nobility* and *Gentry* which resorted thither into the *Armies*, and being desirous to fortifie by all possible means His right of *succession* to the *Crown of England*, invited the *States* to be *God-fathers* to his Son, *Prince Henry*, together with the Kings of *France* and *Denmark*, and *Queen Elizabeth*: they sent a splendid Embassy *Walravins van Brederoode* being principal, and so richly presented the *Royal Infant*, that they much endeared themselves to *King James*, and no less exasperated *Queen Elizabeth*, in that they should dare to rival her at the *Baptisme* of the *Prince*, and also demean themselves with so much munificence, or rather prodigality. *King James*, either out of interest to ascertain himself of their *Friendship*, or being captivated by their *Presents* and *Flatteries*, granted (but not by any Deed, that I know) unto the *Dutch*, the *Priviledges* which had been formerly granted to the *Belgick Provinces*, upon Leagues betwixt the *House of Burgundy* and *England*, in reference to the *Fishing*; whereby, according to Articles made with *Philip of Burgundy*, and with *Charles V.* they were to *Fish* in the *Brittish Seas* without any impediment, or the sueing for a *special License*. It was by vertue of the same *Treaties* and *Confederacies* with the *House of Burgundy*, that *Q. Elizabeth* did permit them the *Fishing* of our *English Seas*: for that *Queen* did alwaies pretend and declare, that by reason of *sundry Alliances* betwixt *England* and the *House of Burgundy*, she did aid and support the *Netherlands*. At first, the *Dutch*, either out

Grains hist. Belgic. l. 3.

A. E. Metran. hist. Belgic. ad an. 1585. Camden ad an. iiii.

(66)

of pure respect (a rare quality in that sort of people) or because their *Busses* were not so very numerous as in the subsequent times, did Fish at a good distance from the Land; and, leaving convenient space for the Natives of Scotland to pursue their small employment in the Fishery, there was no notice, or at least no complaints against them upon that subject: But when a series of prosperous successes (gain'd by the English and Scotch valour) had raised the Dutch to a great power at home, and renown abroad, and that their Ships became exceeding numerous, and their Fleets potent; and Queen Elizabeth's death had advanced a more peaceable Prince to the English Crown, They began to encroach upon the English and Scottish shores, to disturb the Natives in their Fishing, not leaving them so much Sea-room upon their Princes Coast, as to take any Fish, but such as were the gleanings of the Hollanders *Busses*; who driving at Sea do break the skull or shole of Herrings, and then they flie near the shore, and through the sounds. I find King James to have complained against their insolence, and the encroachments of the Dutch Fishermen upon His Seas, and to the prejudice of His Subjects: But that Prince dealt most in Remonstrances, an ineffectual course with Hollanders, and equipped out no Ships to assert his rights on the whole British Seas: at last in 1609. He established Commissioners for to give Licenses, at London, to such as would Fish on the English Coasts; at Edinburgh, for such as would Fish in the more Northern Sea: and by Proclamation interdicted all un-licensed Fishers. The Licenses were to be demanded yearly for so many Ships, and the Tonnage thereof, as should intend to Fish for that whole year, or any part thereof, upon any of the British Seas; and the Offenders against the King's Proclamation to undergo due chastisement. But this Edict of his Majesty proved but a *Brutum fulmen*, an insignificant noise and thunder; the Dutch contemned it, and grew more perycacious in opposition to His Majesties Officers which came to disturb their un-licensed Fishing. The States did mingle their concerns with those of the Fishermen, and sent *Wasters*,

or

(67)

or Men of War to protect their *Busses* against the Spanish Pirates, and to awe the Kings Officers. They refused to pay either the *Affize-Herring*, or to take Licenses; and in 1616. M. Brown being ordered by the Duke of Lennox (who, as Admiral of Scotland, was commanded to vindicate the King's Rights in those Seas) to insist upon the *Affize-Herring* (which was the King's Old and indubitable Right) they did contest about it, and after much dispute paid it according to the Laws and Customs of Scotland. But the next year (being the year in which King James did gratifie that People with the Surrendry of the cautionary Towns) the *Busses* obstinately refused it, saying, They were commanded by the States of Holland to pay it no more. Mr. Browne wanting sufficient force to chastise their *Wasters*, did only take witness of this their refusal: whereupon the insolent Dutch seized the King of England's Officer, and carried him into the Netherlands, where He was detained a while. The King repeats His Complaints at the Hague, and to their Embassadors here at London; the Dutch amused him with Treaties, and sent Commissioners to London, not to submit, or adjust differences, but to heighten them: They pleaded A right of their own by immemorial prescription; and confirmed it with divers Treaties, viz. One of the year 1459, betwixt Philip of Burgundy, and Henry the Seventh. Another betwixt Charles V. (as Duke of Burgundy) and Henry the Eighth: by both which it had been agreed, that the Subjects of the Belgick Provinces should Fish in the English Seas without impediment, and without License. But what influence have those Treaties upon the Kingdom of Scotland? Or, how do they extend unto the *Affize-herring*? For those Capitulations do not leave them at liberty as to this point, any more than they absolve them from paying Customs? To observe the Laws, and pay the dues of a Country, are no illegitimate impediments of Fishing.

To proceed. Suppose we that the Subjects of the House of Burgundy had any such priviledges granted them by the said Treaties; what doth this concern the Rebels of the

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House

All this appears out of several Memorials, preserved in the Paper Office; and some are printed with Mr. Selden's *Mare Clausum* in English.

Aristoteles negat eandem esse Civitatem, Reipub. formâ mutatâ; sicut, inquit, Harmonia non est eadem, ubi à Dorico modo transitur in Phrygium. Zoush de jure foeciali, part. 2. Sect. 1. qu. An Idem populus censendus sit mutato Imperio?

House of *Burgundy*? What doth it concern the **States General of the United Netherlands**, who by their change of Government, and rupture from the majority of the *Provinces*, are no longer the same people? They have nothing to pretend unto but the *Connivance* of *Q. Elizabeth*, and the *indulgence* of *K. James*, during the time of their distress: nor doth the whole Age of their infant Republick amount unto an *immemorial prescription*: And, if in the said *Treaties* with the House of *Burgundy*, the Ancestours of His Majesty did think fitting, in consideration of other *advantages* accruing to them by the said agreements, to dispense with the *Licenses* unto *Belgick Fishermen*, where is this consideration now betwixt us and the *Dutch*? and, what hinders us to resume our *Rights*, when the reasons cease for which we parted with them to the generous and noble House of *Burgundy*; but to these *Hollanders* never? How come we to forfeit the *Dominion of the Sea* by such *indults*, whereas other Nations, *French* and *Spaniards*, *Lubeckers*, &c. did pay? This plea being null, they had recourse to another, that by the *Laws of Nature and Nations*, the *Sea was free*. This defence seemed intollerable to *K. James*, and upon complaint of the Lord *Embassadour Carlton* at the *Hague*, they gave his Majesty this most *satisfactory Answer*: that the *Commissioners* went beyond their limits in their terms of *Immemorial possession*, and *immutable Droit de Gens*, for which they had no order. All that *K. James* could obtain from their now *High and Mighties*, was a verbal acknowledgment of His Right, whilest it was more and more invaded daily. The *Prince of Orange* at that time made a motion to the Lord *Carlson*, about purchasing the *Freedom of Fishing* with a Sum of ready mony. But He replied, *It was a matter of Royalty*. The insolence growing every day greater and greater, and they proceeding to *impede, obstruct* and *destroy* the *Fishery* of his Majesties Subjects, King *Charles* the First did sollicite them about redress, and finding the *States* intractable, in 1636. He issued out a *Proclamation*, to restrain the *Fishing* in the *Brittish Seas* without *Licence* obtained: and seconded it with a *Fleet of Ships*

Ships commanded by *Algernon Earl of Northumberland*, as Lord High Admiral of *England*. Who with much honour acquitted himself of that employment: the *Journal* of his expedition, signed with his own hand, is preserved in the *Paper Office*; and I find thereby, that upon the appearance of the *English Fleet*, the *Dutch Busses* did take *Licenses* of his Lordship, so that He distributed two hundred, though he went out late in the year. He exacted twelve pence in the *Tonne* from each Vessel, and avows they departed away well satisfied. The *Busses* were not defenseless, as the *Considerer* sayes, but guarded by ten men of War, or more; and Aug. 20. 1636. whilest his Lordship was buied in dispersing his *Licenses* the *Dutch Admiral Dorp* came to him, saluted him with *loring his Top-sail*, *striking of the Flagg*, and discharging of *Guns*, and came aboard of Him: He had in his company 20 *Men of War*, which (if joyned with the other *Wasters*) made a greater Fleet than that of the *English*, yet did He never protest against the *actings* of the said *Earl*, but left his Lordship freely to pursue his design upon the *Busses*. The summe which his Lordship received for *Licenses* was 501 l. — 15 s. — 2 d; besides which at that time, I find that the *Dutch* payed to *Capt. Carteret*, *Capt. Lyndsey*, *Capt. Slingsby*, *Capt. Johnson*, and *Mr. Skinner* 999 l. for *Convoy-Mony*.

It is not to be doubted but King *Charles* the first had vigorously asserted the *English rights* and *Sovereignty of the Sea*, the *Earl of Northumberland* being *High Admiral*, had not the *Scotch troubles* diverted his cares: the which troubles and wars were chiefly fomented by these *peace-loving Christians* of *Holland*, that he might not attend unto his *Dominion of the Seas*.

I observed in the perusal of the *Journal*, that when his Lordship was returned and at anchour in the *Downs*, he received notice of the arrival of a *Spanish Fleet* of 26 sail near *Dunkirk*, who in the sight of *Calais* did their duties to his Majesties Ship called the *Happy entrance*.

Concerning the *Scottish fishery* it may not be impertinent to fortifie the rights of his Majesty: by shewing his *Original Title* to a great part of it; and it is this.

The

The Kings of *Norwey* exercised an absolute dominion time out of mind over the Seas adjacent to *Norway*, *Island*, *Shotland*, and the Isles of *Orkney*, and in a manner over all that part of the *North Sea*: nor could any foreigner practise fishing there but by his leave and License, (the which License was renewed every seven years by the *English*) as appears by many Leagues and compacts betwixt that *Crown* and the *English*, and also betwixt it and other Nations: The old Inhabitants of those *Scotch Islands* are originally *Norwegians*, and speak that language. The Islands *Hebrides* were conquered from the *Norwegians* by *Alexander* the third, King of *Scotland*, the dominion whereof was confirmed unto him by *Magnus* King of *Norwey*; and the said *Cession* reiterated by *Haquin* King of *Norwey* unto *Robert Bruce* King of *Scotland*; But all this while *Shotland* and the Isles of *Orkney* remained in the hands of the *Norwegians*, until *Christierne* the first, King of *Denmark* and *Norwey* did marry his daughter *Margaret* unto *James* the third, King of *Scotland*, and upon the marriage did make an absolute surrender of these Islands unto his Son in Law in the Year 1468. together with the jurisdictions thereof. As the *Scotch* title to those Seas is primarily deduced from the Kings of *Norwey*, so their jurisdiction and Sovereignty over those Seas is the same, with that which those Kings possessed: But the Kings of *Norwey* had an entire dominion and right of disposal over the fishing in those parts, so that none could come and fish there upon pain of death, without License obtained. All which is averred and proved out of the *Danish* records by *Joannes Isacius Pontanus* a *Dutch* writer, of *Harderwick*, in *Guilderland*, and *Historiographer* to the King of *Denmark*. This discourse doth further justify the present King of *England* in his rights unto the *Brittish Seas*, in that He is not singular in challenging the Dominion of the Seas, and the particular regality of the Fishing, the like having been immemorially challenged by the Kings of *Denmark* and *Norwey*. The like Royalty as to fishing is practised by the Kings of *Sweden*, who hath in some of his Seas the tenths of the fish,

Joh. Pontan. discuss. hi-
stor. l. 1. c. 21.

Id. ibid. l. 1. c. 17.

Id. ibid. l. 1. c. 17.
Selden. mare clausum l. 2.
c. 31.

Joh. Pontan. discuss. hi-
stor. l. 1. c. 21.

Jo. Laccenus de jure ma-
ritimo. l. 1. c. 9.

fish, elsewhere he disposeth of his Royalty by special Licenses. The same is done in *Spain*, and *Portugal*, *Venice*, &c. This Universal Sovereignty and Dominion of his Majesty over the *Brittish Seas*, hath been acknowledged by Forreigners time out of mind, (even safe conducts and passports desired thorough His Seas) and is justified by the precedents of the *Rhodians*, the *Romans* and others, which to relate now were too prolix a work. As to the Right by which His Majesty holds this Sovereignty, it is a better Title then most Princes can shew for their Kingdoms and Principalities; It is a prescription truly immemorial: we cannot tell the Time when we had it not; nor by what degrees we arose up to it; But we can thus forsist it beyond that of *Venice*, that it was never disputed by any except the *Dutch*, and that within the memory of this present Age; and they so disputed it at first, as to acknowledge our Right, but yet to plead an exemption as to fishing (in nothing else) by vertue of the Capitulations of Intercourse betwixt the *English* and House of *Burgundy*: the vanity of which claim being so notorious, they at last began to be so impudent and insolent, as to renounce the Concessions of the *Burgundians*, and their own, and now to plead universally that the Sea is the Lord's, and not capable of, or subjected to the Dominion of any Prince, or State. It is an unparalleled and most imprudent attempt for these upstarts to shake thus the Tenures not only of Kings, but even private persons, and to deny that an Immemorial quiet possession of a Land, or Territory (the Sea is called a Territory) is a just Title thereunto: whereas hitherto it hath been allowed by those that treat of the Laws of Nations, that he who can alledge this, needs not to prove his Acquest and Title: That prescription doth not require any Right, but supplies it; and doth it self create a Right; nor ought there any proof to be admitted against it. Nothing is more received amongst *Man-kind*, then that Prescription and Long Usage should be deemed equivalent to mutual parts and the assent of the voisinage: And that practise seems to be adjudged to be legitimate, where all parties, though otherwise interessed to oppose it, do without any extraordinary,

Jo. Palatinus de domin.
maris, lib. 2. c. 10.
Jacob. Gothofredus de Im-
perio maris c. 8. & 12.

Territorium dicitur de
Terris & de Aquis. Al-
beric. Genit. de jure
belli l. 3. c. 17. Arnold. in
ve b. Territorium. num. 2.
Per hanc longissimam
possessionem consecuti
sunt veneti, ut non te-
neantur Titulum acqui-
sitionis probare. Co-
varruvias in reg. posses-
sor male fidei par. 2.
sect. 3. num. 7. & sect. 3.
num. 2. Hec enim prae-
scriptio non requirit ti-
tulum sed vim habet ti-
tuli. Cravet de antiq. temp.
part. 4. sect. absolutis dis-
ferentis. numer. 9. Bor-
chol. in cap. un. que sint ve-
gal. num. 27. & dicitur
inducere Titulum. The-
saur. lib. 1. quast. 8. numer.
11. & parte prescrip-
tionem juris & de jure,
contra quam non ad-
mittitur probatio. Cra-
vet. dicto loco. num. 62.
Peregr. lib. 1. de jur. fise.
tit. 2. num. 65. cum aliis
quos ibi allegant. Quoni-
am aequipolet veritati,
& pro veritate habetur.
Borchol. d. loco. Arnold. in
verbo Prescriptio. num.
27. Julius Pacius de do-
min. maris. Hadriat. Ioan.
Palatinus de domin. Maris.
l. 2. c. 10. Albericus Gen-
tilis de jure belli l. 1. c.
22. Grotius de jure belli
lib. 2. c. 4.

Judges 11. 26.

Altheric. Gentilis de jure belli. l. c. 22.
Livius lib. 34.
Grotius de jure belli. 2. c. 4. sect. 7.

may awe, or other indirect motive, silently and peaceably acquiesce. Jephtha when the Ammonites demanded that the Israelites should surrender up the Cities held by them on that side Jordan; replied that the Israelites had possessed them three hundred years, during all which time the Ammonites had not redemanded them. The Law of Nations doth generally allow a lesser space to authenticate a Prescription and just Occupancy: It is esteemed to have an Immemorial prescription, the contrary whereof no man can say He ever saw done, or heard related by others to have been done: and 'tis commonly declared that one hundred years of usage or possession do suffice to determine the controversy. Our case is such that I need not make use of this last plea (though so many allow of it; and Rome urged it against Antiochus) 'tis really Immemorial, and consequently as valid morally as if it had been conferred upon us at the primitive distribution of Lands: except there can be produced most unanswerable reasons to the contrary.

I shall therefore examine the Reason alledged by the Dutch to invalidate this Prescription and long occupancy of his Majesty. The Considerer alledgeth but one; which is, That the Dominion of the Sea appertains to God alone, in the judgment of the States General; and the King of England doth usurp upon the divine prerogative, by assuming it to himself. I answer, that in the judgment of them that are as intelligent and more honest than the States General, The Dominion of God Almighty over the Land is as much appropriated to Him, as that over the Seas: Since that the same Scripture which saith that The Sea is his, and he made it: doth likewise inform us, that His hands prepared the dry land, Ps. 95. 5. and that The Earth is the Lord's, and the fulness thereof; the world and they that dwell therein. Ps. 24. 1. So that without a more express declaration, a more revealed will of God, we cannot conclude from the Text any thing else than the General providential Sovereignty of God, which (where He doth not in a particular manner publish his Will; as when He gave the Israelites the land of Canaan) doth no way enterfere with, or exclude

exclude Humane propriety: Otherwise the Earth must likewise become common, and All people live Free from Subjection to any Government. As to this last point, I find M. Schoockius (a Belgick Professor) to write, that 'tis proverbially said in the United Netherlands, That the Platets of the States General are not in force beyond three days: But they ought not to oblige one minute, since the world and they that dwell therein are the Lords. Of all the Arguments which ever I read in behalf of the freedom of the Sea, this is the most fanatical. If it were granted, that the Kings of England, France, Denmark, Sweden, &c. were Usurpers upon the rights of God Almighty, what Commission have these wicked Hollanders to vindicate them? a people worse than Sodom and Gomorrah (if you believe M. Schoockius) the most unworthy Delegates in this world. Who made these Skellams to be of the Star-chamber? May they run before they are sent? Are all Apostles? But, to wave this foolish pretense; I will for the instruction of the more ignorant, remove such Objections as men of more High and Mighty reason than the States General, do press vehemently against the dominion of the Sea.

Gomorrahque peccata? Clamor eorum multus est, Gen. 18. 20. Hoc uno forte distamus a vera Sodomâ, quod hic pauperis, & egenis manus confirmetur. M. Schoock. ib. c. 27.

Cur in opprobrium vestrum jactabitur hoc proverbium, quod edita vestra tridua non durat sint? M. Schoockius de Imper. Marit. c. 30.

Si qua Gens unquam tribus hinc peccatis, superbia, luxuria, avaritia, aperto capite, elato brachio, & plena animi dest natione, vacavit; ne, nos B. Ige longissimè eandem superavimus. Quorum exaggerem Sodomæ

1. The nature of the Sea is such, that it is in a perpetual flux, and never settles in any certain place; therefore it is not capable of being subjected under a certain dominion, possession, or prescription. I answer, that though it be not strictly and Physically the same, it continues to be so Legally, and in respect of its Bottom, Sand, and Channel. If this Objection were valid, even Rivers would not be subject to impropriation: they do continually flow, and, which is more, without reflux: and the same reason would render every man incapable of a Legacy, or Inheritance; because a constant transpiration varieth our bodies. In idem flumen bis non descendimus: Neither do we twice swim in the same river, nor are we the same persons who attempt to swim twice within the same channel. Besides, a man may retain a propriety in things variable; as in money lent, and to be repaid in specie, not numerically. A man may have a right unto the Air, or Light, and an Action lieth in case of Nuisance. And shall a remedy be allowed in case an encroaching Neighbour doth obstruct the Light, or annoy the Air; and shall not a Prince take care that no Foreign Fleets shall, without warning and license, approach his territories? Provision in this case is much more allowable, by how much greater the danger is.

Jo. Palatinus de Domin. Maris, l. 1. c. 3.

Seneca.

2. There cannot be any peculiar and distinct bounds prefixed to particular dominions upon the Seas: and since nothing can be privately possessed which is not bounded; therefore God and Nature seem to have ordained the Seas to be free, since it is not limitable. I answer, That the Inundation of Nile, and the Storms upon the Libyan Sands

Sands do render the bounds undistinguishable; yet are the Lands subject to propriety. Besides, the Shores, Promontories, &c. may stand as well for Sea-bounds, as Trees, Posts, Hedges, Rivers, &c. are bounds on Land: and where they fail, Imaginary Lines and Contrivances may supply the defect; since we are no more in Contracts betwixt Princes to expect rigour of Law (but *Æquum & bonum*) then in mixt Mathematicks indivisible Points and Lines. Several Leagues of this nature have been made betwixt Spain and Portugal, Sweden and Denmark. In fine, are not the Seas distinct, as the Adriatick, Ligurian, Tyrrhens, and in the Articles of Breda the British and North-Sea? yet are there no precise and Geometrical bounds to them.

3. If the Sea can be reduced under any dominion, then may the Commerce be hindered by the Proprietor of the same, as to such as He pleaseth. But Commerce ought to be free according to the Law of Nature, and Nations; and the denial thereof, (as also the denying of an innocent passage) or the laying an extraordinary Tax for License to pass, (which is in effect a denial of Passage and Commerce) is a just cause of War. Therefore the Sea ought to be free. I answer, that perhaps the pretence of wants not to be supplied but by Commerce is not serious and real; but if it be, it doth not follow that our domestic indigency and necessities are to be remedied by the detriment or injury of others, but we must purchase the opportunities of a supply by complying with the conveniencies of our Neighbours. No man must trespass upon anothers ground, because He cannot otherwise attend unto his own utility. The freedom of Commerce and passage are no solid Arguments, when insisted upon by Hollanders: both may be refused, if there be a suspicion of danger. I concur with Albericus Gentilis herein. I am of St. Austins mind (who held the opinion of Grotius in these cases) provid I may have besitting security that the persons trading or passing will not hurt me; and that I be ascertained that they cannot hurt me. This is conformable to sundry Scriptural examples, and the Resolutions of all Ages, before and since Christianity. Nor doth the imposition of a Tribute for the Fishing, or erecting and preserving of sea-marks, and Light-houses, or Convoymony infringe the Liberty of Commerce, but continue it with security. I do not find that the Dutch have contested thus about the Customs upon the Rhine, or plead that 'tis unlawful to pay Toll upon the passage of several High-ways and Bridges in order to the repairing of them: yet a Logician of Holland would by the same reasons condemn those exactions, and deny tribute to whom tribute is due.

To conclude this point: After so many Treatises and fierce disputes concerning the dominion of the Sea, upon mature consideration, the Controversie is now reduced to this State: that as to property the Sea can fall to no mans dominion, by reason of its fluxile nature; but as to a Sovereignty of Protection, and Jurisdiction, whereby Tributes are imposed for the defraying of Convoys, providing of Sea-marks, &c. and Fishing: This may be assumed, and is lawful as to particular Seas, and

Teneo cum Augustino, si nec timendum sit ne roccatur; & certum sit noceri non posse. Alb. Gentil. de jure belli, l. 1. c. 19

Julius Pacius de dom. Maris Adriat. f. Palat. de dom. Maris, l. 1. c. 13

Eleganter Baldus in l. quædam. D. de ver. sig. ait mare esse commune quoad usum; proprietatem vero nullius; sed jurisdictionem esse Principis: de qua jurisdictione in præsentia agitur non de proprietate. Jul. Pacius de dom. Maris Adriat.

and Gulfs; but as to the vast Ocean, whose bounds are unknown, and whose extent makes the Sovereignty to be unfeasible, this is denied. Thus Jo. Isaac Pontanus, and others do decide the Controversie: And this decision establisheth the King of England's Right, whose Seas are not boundless, nor incapable of the aforesaid Dominion of Jurisdiction. Such a Dominion the Dutch Professour saith is practicable, and necessary for the Hollanders; thereby to secure their vast Trade into all parts of the world, and exclude others from Merchandising into the richest parts. From whence we may gather what we are to expect from the prevalence of the Dutch, viz. to be prohibited trading through the Seas, but to what places, and on what conditions they please: And whilst our King shall be decried as an Usurper of the Divine Right by challenging the Dominion of the Sea; These Hollanders shall affect and allume (without any such Usurpation) the dominion over the Seas. Which is all one in effect, the discrepancy is but verbal, and such as any one may see into, who is not infatuated with the specious and pious harangues of the peace-loving Christians in Holland.

Another Argument enforced by Them here against his Majesties lawful dominion over the Brittish Seas, is this; that since the Subjects of their State do only subsist by Commerce, and consequently by the Liberty of the Seas; should they acknowledge the said Sovereignty of his Majesty and the effects and consequences thereof be reduced into practice upon them; they should be brought to such a condition, as to expect no less then an apparent and inevitable ruine after some time. And that, since the King of England challengeth not only the Channel, but also the North Sea, and a great part of the Ocean, as the Brittish Sea; They should not be able to set sail out of their Ports any whither, but by the Grace and Favour of the King of England. To this I reply, That the King of England by pursuing his own Rights doth them no wrong: But the Dutch by entreaching thereupon do his Majesty apparent injury, and violate all Divine and Humane Laws, whereby Property is established and secured to particular Princes and persons, and that community of all things by nature is by a Subsequent and intervenient Right limited and restrained. And that this may be done according to the Law of Nations, and the general Equity, no Divine or Civilian can deny or disprove: and there is as to this case no difference betwixt the Sea and Land. There is not any inhability in the nature of the Sea, as is granted by their Writers (except as to the vast Ocean, and that too in reference to its utmost and unknown extent, not as to determinate parts of it) and is evident from the several Kings and Republicks which have heretofore, and do now engross the dominion of it. There is not any Divine Precept against it; no dictates of nature repugne thereunto: for whatsoever is common by nature may be appropriated by Occupancy, neither can there be a better Title to (such things) then Occupancy, Prescription, and Custom. And that his Majesty hath this Title entirely, I have evinced

Jo. Isaac Pontanus discul. Hist. l. 1. c. 13.

Propitio ac mediis benedicente Deo, quædam salva erit Belgis fæderatis hæc Maris potentia, salva quoque erit respub. concidet verò & transibit in manum illius, qui eandem eripuerit & obtinuerit. M. Schoockius de Imper. Marit. c. 28. Non debet verò hæc maris potentia ita intelligi, quasi vastus Oceanus, in quo nulli limites definiti possunt, domini capax sit; sed quod quidam Armis prævalentes, aut in eo Imperium affectant, aut in Mari Mediterraneo, quod neutiquam cum Oceano ipso componi potest, reipsa quoque Imperium illud exercent, magis alios prohibendo illius maris usum, quam reipsa possederint, id. ibid. c. 2.

Probatur hoc fieri posse, quia mare cum sit nullius, naturali ratione, proinde jure Gentium conceditur occupanti, ut cetera quæ communia dicuntur, l. 3. in pr. D. de acquir. rer. domin. §. feræ vers. quod enim. Instit. de rer. divis. glo. in §. quidem. In ver. communia. Instit. eod. Julius Pacius de dom. mar. Adriat.

(76)

evinced, and Mr. Selden before me. Whereas *They say*, that should any such right be acknowledged to reside in his Majesty, they should not be able to Fish in the North-Sea, or to drive on their necessary Commerce by Navigation. This is no argument for their unjust actions; any more then it would justify upon land that one Prince or private person should usurp upon anothers Territories or Free-hold, because it was most opportune for his Trading, or requisite to his subsistence in a flourishing condition. I do not read that this pretext was ever any cause of War betwixt England and the House of Burgundy: The Turk, Pope, Emperour, and King of Spain might urge the same reason against the Venetian Sovereignty in the Adriatick Sea; there not being the least part of a passage for their adjacent Subjects, which is not, in respect of their pretended Sovereignty, belonging to the Republick. But these Princes understand the difference betwixt Right and Wrong; whereas the Dutch comprehend nothing but what is advantageous and disadvantageous. They detain Renneberg, and other strong Towns belonging to the Duke of Brandenburg, the Bishops of Cologne, and Munster, because their Provinces cannot be safe without them. They would usurp our Seas, because they cannot mannage their trade without them. And they will seize hereafter upon our principal Ports, because their Navigation cannot be secure without them. Certainly 'tis not a sufficient ground for them to deny his Majesty the Proper Rights of the Brittish Crown, because *They do not know how He will use them*. They have no reason to imagine that He would entreat them worse then His Royal Predecessors have done, who never made the utmost advantage of their just Rights against the Netherlanders, nor ever practised such a Sovereignty as the Venetians exercise in their Seas. 'Tis true that the case is much altered by their questioning his Royalty, which was never before disputed by them, or any else: and 'tis but equitable that they should be in some manner frank in their acknowledgments, who have been so arrogant in the contest. They that begin a precedent are more criminal than they which follow it; and since they by an ungrateful insolence have instructed others to imitate their demeanor, it is but just that They should contribute to the necessary charges whereupon They put his Majesty to ensure that Royalty, which They above all others (being supported by Queen Elizabeth, and owned for a Free State by the interposition of King James, and strengthened by the surrendry of the Cautionary Towns upon most easie terms) should not have controverted; at least not in so barbarous a manner, as to say, That all the world holds the King of England's Claim to be impertinent. Whereas it may be with more truth said, That All the world in all Ages, hath and doth justify his Right in general, or in These; And 'tis manifest by the concessions of all Princes concerned, and of the House of Burgundy, and of the Hollanders themselves, as to the Brittish Seas; or in Hypothesi.

Where-

(77)

Whereas *They deny* that ever They Fished in our Seas with License and permission of the Kings of England: It is a Lye; For since They hold their priviledge of Fishing by means of a general License or League contracted betwixt the Crown of England and the House of Burgundy; it is manifest that whosoever Fished in the English Seas before, did Fish with a particular License, (from which they were then exempted) and that from thenceforward They did Fish all by the General License or Indult of the Kings of England in that League. I have already shewed his Majesties right unto the Fishery, and How it hath been exerted: and there is Equivocation in what They say concerning the Tribute for Fishing, that *They never paid it to the King of England's Father*. The Fishing Busses did pay Tonnage-mony for their liberty to Fish, unto the Earl of Northumberland, as Admiral under the present King of England his Father. They, knowing the Legality of the thing, paid it with much satisfaction, not regretting, or protesting against it. The Dutch Admiral Dorpe did not except against the actions, much less oppose the said Honourable person: nor do I find that the States General did remonstrate against that Tonnage-mony as an exorbitant and illegal demand: But, according to the usual demeanour of these Hollanders, They gave it out all over Europe, that they would not pay any more, and that They refused it in 1637. To shew that this was but a scattered report, not any publick complaint, or refusal of the States General at that time; behold this Extract of a Letter from Mr. Secretary Windebank to Captain Fogge, who at that time commanded five or six Ships under the Earl of Northumberland.

¶ Here hath been a Report raised here that the Hollanders have refused his Majesties Licenses to Fish in his Seas, pretended to have been offered them by Captain Fielding. But it is utterly mistaken, seeing Captain Fielding was sent to the Busses to offer them protection; His Majesty having understood that the Dunkirkers had prepared great strength to intercept them in their return from the Fishing, which his Majesty in love to them sent Captain Fielding to give them notice of, and to offer them safe conduct. This you are publickly to avow wheresoever there shall be occasion; and to cry down the other discourse as Scandalous and derogatory to his Majesties Honour.

Aug. 10. 1637.

Thus you see (to return upon them their own language) It is a Lye that the said Tonnage-mony was protested against: It is a Lye, that It was no more demanded: for Captain Fielding did demand it (I am sure by Letters in the Paper-Office) though I have not had leisure to examine what he received. And it is a foolish report, to say that The single attempt of the Earl of Northumberland, being violent, could not create any Right: Whereas we do not claim it in right, because it was then paid, but because, as an Immemorial Royalty, it was always due, and acknowledged by them: to be so.

I can--

I cannot allow of that Parenthesis of the Considerer, That Violence can create no Right, no not by continuance. For, if Prescription of an hundred years (or less time, according to particular Countries) does create a Right, how violent and unjust soever the first Occupancy be, according to the Law of Nations, which formally approves thereof even betwixt Prince and Prince: and fundamentally according to the Law of Nature, which disposeth us to mutual peace, and amicable Society, and to the means conducing thereto, in the number whereof is Prescription, Occupancy, and Custom; How then can He say that Violence can create a Right? How do they hold their Freedom, but by violence? Are these the Principles of the Peace-loving Hollanders? Do not these suggestions tend to the involving of all the World in Blood!

To Palatius de domin. maris l. 1. c. 13.

Selden Mare clauf. 1. 2. c. 15.

As to the meeting of the Tatcht with the Fleet under Van Ghent in the North-sea, and their not striking Sail or Flag: The Considerer yields it to be a Ship of War by reason of its Equipage, Commission, and Standard: and so it was according to the presidents of our Law, which styles Barges and Ballingers, if armed for War, to be Ships of War, But neither He, nor any man else can say that The refusal to lower the Top-sail and strike the Flag, was not a breach of the Treaty at Breda. It is alledged, that "This hapned in the North-sea, which is not the Brittain Sea, being distinguished therefrom in all Sea-plats, yea, in the English Map, and (which in this case is an indivisible Argument) by reason that in the seventh Article of the Treaty at Breda the same are distinctly mentioned one from the other; where it is expressly said, that All Ships and Merchandises, which within twelve days after the peace are taken in the Brittain Sea, and the North-Sea, shall continue in propriety to the Seizer. — Out of which it plainly appears, that even according to the King of England's sense, the North-sea differs in reality from the Brittain Sea. — These reasons are so far from being invincible, that they are null and altogether invalid. For the Argument from popular Mapps and vulgar Sea-plats imports nothing at all: Those being made for common instruction in such cases as they are usually made for: but not to decide Cases at Law. There are several Counties in England, which are not specified in the Mapps, which yet the Laws do exempt from those in which the Mapp do include them. The distinction in the Article at Breda betwixt the Brittain and North Sea, is popular, and mentioned only to prevent future quarrels about Prizes taken, not to decide the King's Rights unto that Sea, as one of the four Seas: and, that taking place, 'tis not an invincible argument, but an affected ignorance in this Hollander to urge it here. In the Treaty at Torstrop betwixt the Dane and Swede, I read that Schonon and Wien were distinctly named, and consented unto by the Dane to be transferred unto the Swede: and in a subsequent Agreement at Roskild the Swede hath only Schonon transferred by name; hereupon He claims also Wien, the

the Danes deny the rendition, and evade it as the Dutch do now: The King of Sweden rejoyns thus, and any man may accommodate the passage to our Case. "Though the Danes do grant there hath ever been a Joynt Alienation of the said Isle with Schonon; nevertheless, they would fain wave this by an odd Exception, pretending that Wien could not really be alienated as a member of Schonon, because in the Treaty Wien is expressly named as well as Schonon, which they alledge need not have been, had it been inclusive in Schonon. But this poor plea, is of little importance, if it be observed, that in the Charter of Alienation, where Wien is separately named with Schonon, there also Lister is separately named with the Province of Blekingen, which however the Danes do unanimously acknowledge to be a part of Blekingen; it being distinctly named rather for prevention of further disputes, than out of necessity. Nam causa abundans non nocet, ut nec ejus absentia obest.

See the King of Sweden's reasons for continuing the War with Denmark, Printed at London, 1658.

I shall conclude with two brief observations upon the remaining part of this Paragraph, not yet replied unto.

1. The Considerer saith that the striking of the Flag is but a Civility to his Majesties Ships, and consequently not to be enforced, but must proceed from a free willingness and an unconstrained mind in those that shew such respect. — They that will not learn manners, must be taught them; yet 'tis a difficult task to teach the Boores of Holland. But where did He learn that the striking of the Flag in the Brittain Seas was merely an Act of respect? Or How can he say, that the Dutch, or others, might not be constrained to strike, considering the Instructions of our Admiral, and the usage of England? Whosoever refuseth to strike, is to be prosecuted as a Rebel, not as an uncivil person. And I find that the Crown of France, where it pretends to any Sovereignty of the Sea, doth enforce the striking of the Sail and Flag in an uncivil manner, since those that refuse to do it, are to be attacked with Cannon-shot, and, if taken, their Ships confiscated. The same is done by the State of Venice, and universally. The World is coming to a fine pass when these Butter-boxes presume to teach all Europe Civility!

Mss. Commentar. de rebus Admir. l. fol. 28. Selden Mare clauf. 1. 2. c. 26.

Zoucke de jure facia'i, part. 2. sect. 8. qu. Utrum quod Nauta, principis alterius navi bellicae vela non submitant, Navi pro praeda capi possit?

2. The Considerer saith, that since the Tatcht did not meet with any single Ships, or Vessels of the States, but run in amongst a Fleet riding at Anchor, It cannot be maintained with any fundamental reasons, that the Lord Van Ghent by vertue of the said Article was obliged to strike. — I answer, that the Article doth make it fundamental to the Peace; and the Admirals Instructions, and the Usage of England do expound the same sufficiently to the prejudice of Van Ghent. Is this the Sincerity, the bona fides, with which they observe the Treaty? Our Laws and Customs of the Admiralty know no distinction betwixt a Ship or Fleet found riding at Anchor, or met under sail: Nor do they distinguish betwixt a casual meeting, and a voluntary seeking of Foreign Ships.

(80)

Ships, or Fleets: nor whether our Ships be at Anchor, and the Foreigner under sail; or both be Navigating: And it is the duty of our Men of War, in case they discover, or hear of any foreign Ships, or Fleets upon our Seas, to make up to them, and to see whither they come in a peaceable or hostile manner, by demanding them to strike their Sails and Flags. I need not add any thing to this point, every one may sufficiently comprehend the Case, but these Hollanders that will not understand it.

The conclusion of *this Paragraph* doth manifest the Integrity of his Majesty in the penning of *His Declaration*; seeing that the *Considerer* acknowledgeth, *That the States General did offer to strike the Flag and Sail unto his Ships of the Navy Royal, upon condition He would assist them in this juncture* (for that they mean by his observing the *Triple Alliance*) and provided no construction thence should be made to prejudice them in the free use of the Seas, viz. in reference to *Fishing*, as well as *Sailing*. It is hence evident, that His Majesty did not represent the *arrogance of the Dutch* in so *hainous* a manner, as He might have done without injuring them. The *Considerer* hath done it; and I refer it to the consideration of all *Englishmen*.

Thus I have exactly replied unto all that the *Considerer* hath alledged against the *Declaration of his Majesty*, and what else He hath written in reference to the *present Quarrel*: and I think I have made it evident to the meanest capacity, that the *present War* is authorized by all those circumstances which make it *Just, and Honourable, and Necessary*.

I intend in a *second part* to address my self to my *fellow-subjects*, as the *Considerer* doth to *his*, and excite them to do no less to avert *injuries*, and defend their *Honour and the Rights of His Majesty*, than He exhorteth the *Dutch*, to do, *contrary to all right*, to our *deiriment and dishonour*: I will therein shew those that were concerned for the *War* against the *Dutch* under the pretended *Common-wealth*, that the *Quarrel* is fundamentally the same now that it was then, and that they cannot have any *tenderness* for the *Hollanders* at this time, who did so *hainously* complain of their *Oppressions and Usurpations* then: The *Hollanders* are the *self-same People* still; As much *Hollanders* in *Europe*, as they are at *Japan*, or ever were at *Amboyna*: I know not why we should not demonstrate our selves all to be as true *Englishmen*; And to convince such persons, I will Print the *Speech of Mr. St. Johns*, their *Embassadour* to the *States*, at the *Hague*, during the pretended *Commonwealth*.

FINIS.