

The Dutch Missions to England in 1689

THE English revolution marked the beginning of the active alliance of the two sea-powers which lasted for two generations. The accession of a Dutchman to the English throne was certain to make a great change in the relations of the two countries, but it was less certain what kind of change it would bring about, and the negotiations which settled the programme of the alliance are not unimportant. Strictly speaking, of course, the alliance existed before the revolution. In the new treaty which the revolution brought about, no less than seven existing agreements were confirmed,¹ and, although most of these were simply the instruments by which past differences had been settled and the basis had been laid down for peaceful intercourse after the wars, there was also a treaty of defensive alliance,² which pledged both parties to support one another if they were attacked and defined the proportions of the contingents each was liable to send. It had been confirmed on the accession of James II,³ but the existence of a document like this did not stand for much in those days. There were many occasions when such obligations were evaded or ignored, and no one supposed that fidelity to this treaty was one of the first principles of the policy of James II. His biographer, who must have written what he thought would speak well for James's statesmanship, attributes to him a very different intention for the European war which all the world had seen to be brewing: 'his intentions were to engross the trade of the world, while foreign states destroyed each other.'⁴ Contemporary Jacobite pamphlets say the same.⁵ Had that policy been followed, the tory policy of political isolation from

¹ The treaty of 24 August/3 September 1689 in Dumont, *Corps Diplomatique*, vii. ii. 236-7, where, however, the date of the marine treaty of October 1674 is wrongly given.

² The treaty of London, 3 March 1667/8, not in Dumont, but in *Actes de la Paix de Nimègue*, 2nd edition (The Hague, 1697), ii. 354; Rousset, *Recueil Historique*, xix. 413.

³ By the treaty of Windsor, 17 August 1685 (Dumont, vii. ii. 110).

⁴ Clarke, *Life of James II*, ii. 181.

⁵ *Min Heer T. van C.'s Answer* (1690), pp. 1-2, and *The Dear Bargain* (1692), in *Somers Tracts*, 3rd series, iii. 231. The latter is attributed, in the *Dict. of Nat. Biog.* and the *Catalogue of Pamphlets at Lincoln's Inn*, to Nathaniel Johnson.

Europe and the old commercial rivalry with the Dutch would have perpetuated one another, and British neutrality would have subsisted so long as no equal sea-power had arisen to compel the island-state to choose a side. This would have pleased many of the English and it would have served the interests of many of them. It was not in its essence a dynastic or anti-national policy, and the fall of the house of Stuart did not by itself make it impossible. Had James been expelled by a purely domestic rebellion the policy might have gone on and might even possibly have taken on a still more definite hostility to the Dutch. The tradition of the Commonwealth might have been revived at home and a new British republic might have fought the Dutch and made alliance with the French, as Cromwell had done a generation before. True, this was a bare possibility, but it is a possibility which must be remembered if the significance of William's landing at Torbay is to be grasped. It was stated clearly by Bentinck at the interview at Celle on 27 July/6 August 1688, when he opened the plan for invading England to Fuchs, the Brandenburg minister.

Die siegreiche Partei würde England umformen zur Republik. Diese würde ihren Hass werfen auf den Prinzen und auf die Republik Holland, würde diese zu bezwingen suchen, um sich zur Herrin alles Handels zu machen.¹

No doubt the stronger this danger was made to appear, the better William's justification for intervening, but, at any rate, without intervening, the Dutch could never be certain that this danger might not at any time arise. With their stadtholder on the English throne they were safe from this, but it still remained uncertain how much more they had gained, what help and what concessions they would get from the English. They could not even be certain, until William's position showed itself to be reasonably strong, that the treaties would be fulfilled.

In the rush of business and the excitement of action, very few men in either country found much time for committing to writing their speculations about how the alliance of the sea-powers ought to be or was likely to be drawn up. For an impression of the public opinion on the matter it is necessary to go to the few pamphleteers who discuss it, and they, unfortunately, are not writers who deserve very much serious attention. On the Dutch side there are three pamphlets which may be noticed. The first is dated 19/29 March 1689, a naive little work called *The Minds of a Roman Catholic, a Remonstrant, and a Protestant, freely spoken out in a Conversation*.² The three go on

¹ Quoted by Klopp, *Der Fall des Hauses Stuart*, iv. 71.

² *De Gemoederen van een Roomsche Catholyk, Remonstrant, en een Protestant: vry uytgesproken in een T'samenspraak* (Amsterdam, 1689).

talking without a pause, and the dialogue fills only thirteen pages, but the imaginary time of the action runs from the sailing of William's expedition to his proclamation as king. The three speakers discuss his prospects of success and state the principles of their parties, the 'protestant' or Calvinist getting the best of it. He thinks that gratitude will make the English support William in his just pretensions against France, and it would be a woful thing if two near neighbours of the same religion and under the same head could not make a specially close alliance. He does not say a word about trade. The Arminian is more pessimistic. He represents the old 'states' party', the oligarchical and separatist anti-Orange tendency of Amsterdam, and he thinks that co-operation is rendered impossible by East Indian rivalries, by the differences between Amsterdam and the prince, and by those between Amsterdam and England.

The other two pamphlets are both written to show the advantages which Holland will have from the alliance. They are serious political works, and it is surprising that neither of them refers to the Dutch diplomatic missions which were actually at work in England at the time when they were written, negotiating the terms of the new agreements. The first, written after William had become king, comes from Amsterdam.¹ It begins with a few pages on the importance of religion as the firmest element in alliances, and illustrates this very practically by showing that catholic conquest might mean in a protestant country the restoration of secularized church property, a measure which had been included in Louis's offer of peace to the Dutch in 1672. From this consideration of higher things, the author soon passes to matters of trade. His object is to convince the Amsterdammers that Dutch commercial interests will be furthered by making war against France in alliance with England, but he is able to take very little for granted. He has to compare the advantages of a French war with the advantages of an English war. Dutch trade, he says, has suffered in the past directly from the hostility of France and indirectly from concessions made to various other states, especially England. Generally speaking, the interest of a trading nation is peace, and principles can be laid down by which peaceful relations with England may be preserved. They are not principles which imply great confidence in the intentions of the English. Trade interests are to be vigorously defended; a navy at least equal to the British is to be maintained—a high demand—punctilios like that of the flag are to be yielded, because England is a kingdom and the point has been surrendered

¹ *Hollants Heyl, in haar Eenigheid met Engeland gelegen* (Amsterdam, 1689). Knuttel quotes the statement in his *Catalogus*, no. 13291, that a copy has been seen with the note 'door Huyssduynen' written in it.

before ; in general the Dutch should rather give way to small injustices than fight about them, but if the English obstinately refuse to do right, then there must be war. One thing might, however, make a great difference : if it were possible, it would be best to have ' a free trade, and fruit of our work, on reasonable conditions '.¹ The world was big enough for both, and mutual freedom of trade would pay the Dutch better than the English, because the Dutch were the more sparing and industrious people.² If his highness could ever get as far as to bring it about, whether for individual traders or for trading companies, great would be the advantage for the inhabitants of this state. And, whether that came about or not, a war against England would be far worse than a war along with the English against France. It would be interminably long and, being a sea-war, it would cut off the sources of the wealth of Holland, while England would still have her inland corn. It would put the French in possession of the Spanish Netherlands, and so it might revive the competition of Antwerp against Amsterdam, which had been prevented for forty years by the closing of the Scheldt. It would cut off the trade with the Levant and with America and close the fisheries. And if Holland, already on the verge of war with France, had such good reasons for avoiding war with England, the English, on their side, had causes enough, which the writer carefully enumerates, for making war on France. In a review of the former relations of England and Holland, he tries to bring out the services and shortcomings of England in the Protestant cause and the reasons for the rise of French power. He cannot be called an enthusiast for the English alliance, and his hopes from it depend first on its becoming an alliance against France and secondly on its bringing with it improved relations of commercial policy. But his pamphlet is entitled *Holland's Welfare, lying in her unity with England*.

The other pamphlet, published at The Hague, is the work of an optimist and an Orange partisan.³ It was written after the outbreak of war between the Dutch and Louis, and it foreshadows not merely a complete command of the sea,⁴ but even a partition of France by the victorious allies.⁵ It is dominated by the political as opposed to the commercial habit of thinking : its main argument is that the English revolution and war with France will destroy the Jesuitical conspiracy for universal monarchy and will establish peace, toleration, and general

¹ ' Een vryen handel, ende vrugt onser Arbeyd, op reedelijke conditien ' (p. 8).

² p. 11.

³ *De gelukkige aanstaande Gevolgen uit de Unie en Verbintenis tusschen Haar Majesteiten Willem de III en Maria de II . . . en de Ho. Mo. Heeren* (The Hague, 1689).

⁴ p. 49.

⁵ p. 36.

prosperity, perhaps even protestant unity. It denies that William will become too powerful in the Dutch republic, that his absence will be bad for the country, that as a presbyterian he will have trouble in England. As for the past, the writer maintains that the wars between the two sea-powers were brought about by political and religious causes rather than by any deep conflict of interests :¹ ' in a word, all that they and their brothers have suffered for fifty years past, is due to the machinations of the French Court, two Cardinals, and the Jesuits.'² He passes over very lightly the differences of interest between the two countries. The treaty of Breda, he says, has sufficiently dealt with the question of the flag, and not only with that, but with the herring fishery and even with ' the export of goods '. The quarrels of the two East India Companies seem of greater importance, but yet they might well be amicably arranged and this stone of stumbling removed, either by an incorporation of the two or by some other means, which it is not for him to prescribe.³ Oddly enough the differences for which he suggests this heroic remedy were to cause, during the period of the war, hardly any trouble at all.

If one or two of the Dutch pamphleteers hoped vaguely that the rivalry of commercial policy between the two nations might be brought to an end, there were others who expected a different result. In 1689 there were circulated in the United Provinces some manuscript pamphlets of French origin or inspiration.

Believe me [says one], we shall soon find ourselves as to trade in the same slavery as the Irish. Like them we shall find ourselves bound to deliver our cargoes in England, and, in a short time, this will lead to the entire annihilation of our trade and the exaltation of England's.⁴

William, says another, will not be able to retain the favour of the English unless he promises to benefit British trade at the expense of Dutch ; the Dutch will lose their freedom and will be unable to maintain their trade even in the low state to which it has fallen. The stadtholder's becoming king means the incorporation of the United Provinces in his kingdom, or rather their subjection. ' In one word : the interests of England and Holland cannot be reconciled.'⁵ A third maintains that the declaration of war by the states general will stop the trade of all other

¹ p. 12.

² ' Met een word al wat zy en hare broeders, van vyftig jaren af, goleden hebben uitbroeizelen zijn van 't Fransse Hof, twee Cardinaalen en de Jezuiten ' (p. 14).

³ pp. 12-13.

⁴ Translaet van twee Brieven (Bibliotheca Thyssiana, Leyden, no. 5003).

⁵ *Ibid.* Second letter dated in one place ' Livorno ', in another ' Lisbunne, 10 Mar., 1689 '.

countries, Holland included, rather than that of France, and that it was meant by William to draw the remains of Dutch trade to England.¹

The impression made by these pamphlets is that it was by no means certain how the alliance would turn out or whether there would be a stable and effective alliance at all. The optimism or pessimism of the different types of opinion seems to depend partly on their more or less favourable view of the house of Orange and its enterprises, but, apart from this distinction, the more practical and well-informed the writer is, the more difficulties he sees in the way of a good understanding and a common policy. A contemporary who had nothing but these pamphlets to inform him would hardly have foreseen that the alliance, though accompanied from its first day to its last by friction and distrust, would be long-lived and would give a new turn to many branches of the policy of each of its members. No more would a contemporary in England whose reading was limited in the same way to pamphlets, the nearest equivalents of the time for the leaders in the modern newspapers. In the flood of pamphlets on the many questions of the revolution, the prospect of a Dutch alliance got scanty attention. William's help had been called in for British purposes, and it was on the British advantages and disadvantages of his coming that men wanted to make up their minds. One supporter of James interpreted the expedition as a result of jealousies fostered amongst the Dutch by English and Scotch exiles, the special fear of the Dutch at the moment being that, if once James could set up liberty of conscience in England, that country would become as attractive to industrious immigrants as their own.² But this was no more than a far-fetched attempt to work up feeling against the 'butter-boxes', and it needed no argument of friendliness for the Dutch to refute it. For the English the Dutch alliance came as a by-product of home affairs. How it was to be arranged, for what aims and with what sacrifices, were open questions.

The work of settling these open questions, or at least those of them for which a solution had to be found and could not be postponed, was done by a series of special diplomatic missions to London during the year 1689. During the whole time there was a resident Dutch ambassador in London, Aernout van Citters,³ who had represented the republic not

¹ Aanmerkinge op de Oorlogs-Declaratie (Bibliotheca Thysiana, no. 5003).

² *The Dutch Design Anatomized or a Discovery of the Wickedness and Unjustice of the Intended Invasion* (1689) and the *Letter to the Author of the Dutch Design Anatomized*, dated 8/18 November 1688.

³ See his life in *Nieuw Nederlandsch Biogr. Woordenboek*. His dispatches are in the Rijks-Archief at The Hague (Brieven Engeland, Stat. Gen. 6930 ff., and Secrete

inadequately throughout the difficult times since 1680 and was to remain until 1694. He was not, however, a diplomatist of outstanding merit and, as we shall see, he neither had the full confidence of William III nor always backed William's policy so faithfully as the statesmen of the inner ring. During the critical period in which the foundations of the alliance were laid, he took a secondary place, sending his usual routine dispatches and dealing with certain parts of the current business, but on the whole overshadowed and often overruled by the various special missions which came to deal with the mass of new and urgent business. Of these the first was not in form a diplomatic mission to England, although its members afterwards became the nucleus of the most important of the three special missions we have to distinguish, but a 'deputation' from the states general to William as stadtholder. Two days after William entered St. James's Palace he wrote to the states general asking for three of their 'deputies for the secret affairs' to be sent over to confer with him, naming in a postscript Nassau-Odijk, Dijkveld, and a regent burgomaster of Amsterdam.¹ The first two were amongst the most prominent of his fellow-countrymen—Odijk, his blood relation and almost a dictator in the self-willed province of Zeeland; Dijkveld, one of the most practised negotiators in the small circle of men closely intimate with the stadtholder, to whom he always entrusted great affairs. The reasons for adding one of the heads of the great city of Amsterdam were evident. For every act of state the consent of Amsterdam was needed. The support or hostility of Amsterdam had always meant much to the house of Orange, and at this time there were certain small differences outstanding between William and the great city which must not be allowed to get worse, but must somehow be smoothed over. The states general quickly took the necessary action,² and three deputies were appointed, with instructions covering the whole course of public business in the republic since William's departure, but more especially the requirements of the Dutch army and fleet for the coming campaign. The naval provisions could not be treated apart

Brieven, Engeland, Stat. Gen. 7336 ff.). There are transcripts in Brit. Mus. Add. MS. 17677.

¹ *Journal van Constantijn Huygens, den zoon, 1688-96*, Deel I (Hist. Gen. Utrecht, Werken, New Series, 23), under date 20 December 1689.

² *Res. Stat. Gen.*, 8 January appointment of the deputies, 10 January and Secret Res. 11 January their instructions, consisting of report of deputies for foreign affairs, military report drawn up by the deputies for military affairs in conference with deputies of the council of state and admiralty report (Secr. Res. 5 January) drawn up by deputies of the admiralties and presented by deputies 'ter zee' after a secret conference ('besoigne') with them. Their report, 'Verbaal der Gedeputeerden', is in Leg. 810 in the Rijks-Archief at The Hague, and gives copies of the dispatches to 15/25 March 1689 with a short summary report.

from the prospect of English co-operation : it would obviously made a great difference to the disposition of Dutch ships that English ships were likely to combine with them in the battle fleet and in the protection or destruction of commerce. As it turned out, the deputies in conferring with William on naval questions did a good deal of work that was really diplomatic before they were given a formal diplomatic character : William had no reason for wishing to be too careful in separating his work as stadtholder from his work as administrator of England. But the deputies were not allowed to carry on the naval negotiations by their own lights. William asked for another mission, an expert body, so far as the Dutch constitution could provide one, of deputies from the five admiralty colleges.¹ Here, again, he named some of those he wanted : Torck, de Wildt, Godijn, and the deputy of the town of Hoorn to the college of Friesland and the Noorderquartier ; these with others came over and conferred with the first mission, which had been at work since the middle of January, for about a month, from the middle of March till the middle of April. After that they went home and did not stay to sign the convention for the junction of the fleets which they had arranged : the signature was left to the original three deputies, who had now become ambassadors extraordinary.

The mission of the ambassadors extraordinary, third of the four in order of time, is the main mission of the year, and it is interesting, quite apart from its work, for the amusing human details that have been recorded, especially by one of its members. The representative of Amsterdam chosen for the first mission, in accordance with William's request, was Nicolaas Witsen, a vigorous, distinguished, and obstinate man, with a habit of writing his experiences down.² We shall see that in the negotiations he stood for the old-fashioned Amsterdam tradition, as he had stood for the energy and enlightenment of Amsterdam in his writings on Russia and on the history of the art of building ships and in his political career, especially in the dark days of 1672. Besides taking his share in the ordinary correspondence of the missions and besides writing, privately and also in his capacity of representative of Holland, to the pensionary Heinsius, he reported to the other burgomasters of Amsterdam and wrote two accounts of the mission which he kept himself. Of these the first, which was written at the time, has disappeared and is known only from extracts and summaries ; the second,

¹ Postscript of dispatch of 24 January. These deputies seem to have reported individually to the admiralty colleges which sent them, but not collectively.

² Life in *Nieuw Ned. Biogr. Woordenb.* iv and J. F. Gebhard, *Nicolaas Witsen*, 2 vols. (Utrecht, 1881).

in an autobiographical fragment written in 1711, has happily survived.¹

It is perhaps unfortunate that Witsen's version of the negotiations has been so well expressed and so often repeated by later historians. His point of view, in spite of his personal shrewdness and patriotism, is a special and, one might almost say, an interested point of view. He was an Amsterdammer, a typical member of the oligarchy of regents, a merchant and a shipowner, so that his attitude was bound to be different from that of the king's own circle, and may have had bad points of which no record has come down to us. For the other records are defective. On the Dutch side there are the bare reports to the states general and the griffier, the rather fuller letters to Heinsius, and nothing more. On the English there is very little material of any kind.² Normally the main authority would have been the official papers of the secretary of state for the northern department, Lord Nottingham, who was also the chief of the commissioners who treated with the Dutch. Neither in the Record Office nor among the manuscripts of Mr. A. G. Finch, which include many of Nottingham's official papers, is any valuable material of this kind to be found.³ Between the two sides of the negotiations are the occasional references in the letters of William,⁴ and the notes, mostly on personal points, made by one of William's secretaries, Constantijn Huygens the Younger, in his diary. But on the whole Witsen has it very much his own way.

He begins very soon to think that the diplomatic arrangements

¹ The official collective report is the 'Verbaal der Extraordinaris Ambassadeurs' (Leg. 811, The Hague), giving copies of the dispatches with short summary report. Transcripts of the dispatches are in Brit. Mus. Add. MS. 17877 II. Witsen's letters to the Amsterdam burgomasters have been printed in P. Scheltema, *Amstels Oudheid*, vols. iv and v (the originals are in the Gemeente-Archief, Amsterdam: Arch. Burg. Diplom. Miss. S. II, 5 and 6), and in vol. vi of the same work is his autobiographical paper of 1711. Of his lost 'Verbaal' an eighteenth-century summary with short extracts is given in J. Scheltema, *Geschied- en Letterkundige Mengelwerk*, dl. III, 2 stuk (Utrecht, 1823), to which some additions may be made from Wagenaar, *Vad. Hist.*, bk. 61, ch. vi, and Sirtema de Grovestins, *Guillaume III et Louis XIV*, vi, 161-3, both of whom knew the original. His letters to Heinsius as pensionary of Holland and private holographs to him, along with those of Dijkveld, are in the papers of Heinsius (I A) at The Hague. A few selections are given by H. J. van der Heim, *Het Archief van den Raadpensionaris Antonie Heinsius*, vol. i (The Hague, 1867).

² A few formal instruments are to be found in Foreign Entry Book 69 (Record Office) and Brit. Mus. Add. MS. 34340, ff. 43, 58. The communications received from Dutch ministers, ambassadors, &c., are in State Papers, Foreign, Foreign Ministers 21 (Record Office).

³ I have to thank the editor of the publications of the Historical Manuscripts Commission for his permission to make this observation about the forthcoming second volume of these papers, and Mrs. S. C. Lomas for much kind help in this matter.

⁴ *Archives de la Maison d'Orange-Nassau*, 3rd series, vol. i.

are not being made with much regard to economy either of money or of labour. When the admiralty deputies appear, he thinks that their number is needlessly large: de Wildt alone, the able secretary of the Amsterdam college, would have been able to do what was wanted.¹ Here Witsen was pretty certainly right, because later in the year, in order to arrange the following campaign, de Wildt came on a similar mission by himself.² The embassy extraordinary, however, went much further in the direction of wasting time and money. William, a few days after he was proclaimed as king, being now in a position to deal with the questions between the two nations in established forms and wanting also a splendid demonstration of the alliance and of his new position, suggested to the states general that their deputies, already in England, should be accredited to him as sovereign.³ The states general gave them the highest of diplomatic ranks, according it for the first time in twenty years, and added to their number two more, van Citters, the resident minister, and Alexander Schimmelpennink van der Oije, lord of Engelenburg, a nobleman of Gelderland, the first of the provinces in precedence. For the purpose of impressiveness this was excellent. Long after it was over, Witsen⁴ calculated that it cost the United Provinces 7,300,000 gulden or about £600,000, a sum for which they might well have been thankful if they had kept it till later in the war. Nor was the embassy a very efficient body. It concluded four conventions, counting that on naval co-operation which was finished off by the original three deputies, but the amount of discussion and correspondence was unusually small.

Yet the ambassadors, except Odijk, who left somewhat earlier to attend to the affairs of Zeeland, remained in England from March till November. Witsen had so little to do that, besides many English authors, he read through the whole of the Bible.⁵ The ambassadors did not get on well together, and there was much besides the overriding of their opinions to make Witsen and some of the others feel that they were superfluous. Dijkveld was far nearer to the king than any of the others: Witsen said that they were ciphers in the figure, and that Dijkveld used to write many of the king's letters even to Heinsius.⁶ This last suggestion may be not quite accurate, as also the statement in the same account that the unasked recall of the ambassadors of the states of Holland was decided as a result of a letter from Dijkveld to

¹ Scheltema, *Mengelhoek*, III. ii. 136.

² See de Jonge, *Gesch. van het Ned. Zeewezen*, 2nd edition, iii. 194.

³ Witsen to burgomasters, letter dated 25 February (*Res. Stat. Gen.*, 28 February/7 March).

⁴ In the autobiography.

⁵ Scheltema, *Mengelhoek*, III. ii. 159.

⁶ *Ibid.* pp. 162, 166.

Heinsius.¹ Witsen, remembering the embassy after it was over, was on the whole more gloomy than during its actual course, but it is certain that he did not get on well with Dijkveld.² Neither did Odijk, who complained to Huygens about Dijkveld's attitude.³ Huygens believed that there was an old feud between the two, and Dijkveld told him a story about a quarrel they had had in the states general.⁴ It might have been expected that this would bring Witsen and Odijk together, but on one of the questions on which Witsen tried to stand against Dijkveld and the king, Odijk, although he too came from a maritime province with interests like those of Amsterdam, went against Witsen, so that Witsen naturally accuses him of wishing to flatter the king.⁵ Even Dijkveld, although the others complained of him as getting too much of his own way, was not satisfied with the manner in which business was done. He wrote to Heinsius, in explaining the remissness of the ambassadors in not dealing with an urgent piece of business, that he dared not say how few meetings they had and how few discussions on the advice they should give the states general.⁶

The king's own position on both sides of the negotiations was a little delicate, especially since he considered all his ministers except Lord Halifax hostile to the Dutch, so that he tried to avoid giving offence to the English and did not concern himself much with the transactions.⁷ He stood, however, all the time for a definite policy, the policy of subordinating every other consideration to the infliction of damage on France. This was not the policy of the merchants of Amsterdam. They had many points which they wished to see insured as well as the point of effectively conducting the war, points of interest, points of dignity and of jealousy or merely of prejudice. Witsen, therefore, just as he was not on good terms with Dijkveld, had little influence with the king, and on one occasion, though only on one, the king lost his temper with the burgomaster.⁸ Engelenburg and Citters remain dim figures in the story, though Citters was sometimes in opposition along with Witsen, and sulked in the country when one of the conventions was to be signed.⁹ A clear division of work does not seem to have existed: memorials on precisely similar disputes about ships are sometimes put in by Citters, sometimes by the ambassadors

¹ Scheltema, *Mengelwerk*, III. ii. 160.

² Huygens, 18 January 1689.

³ Scheltema, *Mengelwerk*, III. ii. 156.

⁴ Letter dated 20 September 1689 (Heinsius Papers, I A).

⁵ Scheltema, *Mengelwerk*, III. ii. 153, 158.

⁶ *Ibid.* pp. 147-8, and the autobiography.

⁷ Witsen to burgomasters, 11/21 June, where Citters' name has been erased from the original; cf. Scheltema, *Mengelwerk*, III. ii. 152. The provincial archives at Ainhem have no separate reports of Engelenburg to Gelderland.

⁸ *Ibid.* pp. 147-8, 153, 158-68.

⁹ *Ibid.* 15 April.

extraordinary, at least once by Odijk alone,¹ and sometimes by a third personage, the envoy extraordinary, Jacob Hop.²

For another addition was made to the multitude of counsellors a few days before the great mission finished its work. Hop, the honorary pensionary of the Amsterdam municipality, was another diplomatist whom William, as often as the jealous city would allow it, loved to employ. He had concluded in the spring at Vienna the treaty between the states general and the emperor, which formed, along with the British alliance, the second great corner-stone of William's policy. For the work of connecting the two parts of the structure William had him, too, sent to England with a diplomatic standing, and, once he got there, employed him not only for the special work of dovetailing together the alliance but, characteristically disregarding the 'usual channels' and the established division of functions, for a good many things that fell normally in the sphere of Arnaut van Citters, the resident minister, who by this time must have been well accustomed to such a loss of importance.³ When William went to Ireland in the following year, it was Hop and not Citters who went with him to represent the Dutch republic, the only power that had a representative on the campaign;⁴ it was only when William crossed at last to Holland in 1690-1 that Hop returned, and again in the same year, at William's request, he was appointed envoy extraordinary with the special task of dealing with maritime affairs and the affairs of the north.⁵ The appointment this time was made too late to take effect, because the king arrived in Holland before the minister set sail, but when William once again went back for the winter, Hop went with him as envoy extraordinary charged with maritime affairs.⁶ Thus from the beginning of the reign till the spring of 1692 it was the usual state of things for the Dutch to be at least doubly represented at William's court, by a more and a less trusted diplomatist.

All these factors helped to create confusion, friction, and dissatisfaction among the statesmen who belonged to the less trusted class. Witsen concludes his last account of his excursion into splendour by some disparaging remarks about courts and by

¹ *State Papers, Domestic, 1689-90*, pp. 226-7.

² *State Papers, Foreign, Foreign Ministers 21* (Record Office).

³ See N. J. den Tex, *Jacob Hop, gezant der Vereenigde Nederlanden* (Utrecht, 1861), Hop's life in *Nieuw Ned. Biogr. Woordenb.* iii, his Verbaal, containing copies of dispatches and enclosures (Leg. 812-13, The Hague), letters to the Amsterdam burgo-masters (Arch. Burg. Diplom. Miss. S. II, 6¹⁻², 7, 8, Amsterdam), and letters to Heinsius (Papers of Heinsius, I A, The Hague). For his appointment to London, see *Res. Stat. Gen.*, 9/19 September 1689.

⁴ *Res. Stat. Gen.*, 17/27 February 1690.

⁵ *Ibid.* 20/30 April 1691.

⁶ *Ibid.* 9/19 October 1691.

the saying, so often quoted, that 'a forgotten burgher is best'. But there was also much in the state of affairs in England that made it difficult to carry out satisfactorily the business of arranging the alliance. When the three deputies came over, the revolution was barely finished and the settlement of the English constitution barely begun. The same politicians who had to work out the lines of the Dutch alliance were busy at the same time in an intricate manipulation of parties, a mass of thorny legal and ecclesiastical problems and an administrative chaos. Some of the delays might have been avoided, for instance that of the day when the ambassadors journeyed out to Hampton Court to settle their one remaining difference with the English, only to find when they got there that nothing could be done because the king was out hunting;¹ but some could not, such as those caused in the summer by the dangerous and urgent state of affairs in Scotland,² and by the difficulties of Halifax and Nottingham, two of the English commissioners, with the parliament.³ A paper has been preserved which shows well how difficult it was for the secretary of state for the northern department to get the Dutch negotiation under way. It is amongst the papers of Edward Southwell, afterwards a clerk of the privy council, but it seems to refer to the office of the secretary of state, and it is headed for 'Lord N.', presumably Lord Nottingham.⁴ The date is 6/16 March, three days before the first conference with the deputies. Not only is the minister new to his work, but he has to arrange for a complete overhauling of the machinery of the department. An inquiry is to be made 'by the procurement of some friend' from the ministers of foreign states as to the position of England's foreign relations, and a scheme is to be drafted of points to be driven at home and abroad. 'The case of Holland must more particularly be obtained, both in reference to sea and land.' It is necessary

to think also of spys and intelligence, when needfull abroad, and in the like manner more specially at home . . . and to this purpose to have some substantiall merchants of each trade,⁵ to inform not only how things go among them at home, but in the several countries where they correspond. To have the treatys now in force with our allys. And to know from each merchant aforesaid, which are the articles of most moment between us as to commerce.

Even the provision of clerks who knew the French, Dutch, and Latin languages needs attention. This is almost like starting

¹ Dispatch of 9/19 April.

² Secret dispatch, 6/16 August.

³ Witsen to Heinsius, 11/21 August (Papers of Heinsius, I A).

⁴ Brit. Mus. Add. MS. 38861, fo. 47.

⁵ That is, of each geographical trade-route.

foreign relations afresh from the beginning, and it is not surprising that in these circumstances there were delays and muddles in the office.

Equally it is not surprising that the four special diplomatic missions of the year created no grandiose scheme of revision in the relations of the Netherlands and the British Isles. Of the four conventions which they arranged, three make simply necessary adjustments in the details of policy—the treaty for the union of the fleets, the treaty of alliance, and the treaty on recaptured prizes. The fourth, the treaty for prohibiting commerce with France, is indeed a document of wider significance though short-lived in the execution, but it sprang full-grown from the policy of the king and the English, and was not materially altered by the discussions of the diplomatists. Some matters of non-contentious or scarcely contentious business were disposed of, amongst which the most important was the repayment to the Dutch for the expenses incurred on William's expedition, a repayment which many English critics afterwards thought excessive.¹ These, however, we may pass over, going on to consider one by one the more serious and less temporary questions which occupied the negotiators. First comes the question of commercial relations. For a good many years before the outbreak of war in 1688, there had been much dissatisfaction in Holland with the state of the tariff. Various and conflicting plans for reform had been suggested, some tending in the direction of protectionism, others towards greater freedom of commerce. The French war, and the tariff war which preceded it, radically altered the problem of commercial policy. A stoppage and diversion of trade-routes came about similar to what would have resulted from a prohibitive French tariff against the Dutch and a prohibitive Dutch tariff against the French. The first attempt to deal with this situation was made by the missions to England. England's position had undergone exactly the same change as Holland's. The scope of the free movement of goods of either nation had been limited by the shutting off of a great market and a great source of supply. An attempt was made to compensate for this loss by creating greater freedom of movement in the restricted area that was left. England was invited to consider a mutual removal of burdens, either general or partial. On one side, the way had been prepared for this by the existing demand for a lightening of burdens on Dutch trade: the same arguments applied, of course, still more strongly to burdens imposed by another power. The protective tendency, however, ran contrary to this attempt, not only in Holland, but still more in England, and in the result it frustrated the plan of liberation.

¹ See Macaulay, *History of England*, ed. Firth, iii. 1346.

When the Dutch missions were in England in 1689 they were at first not instructed to raise any commercial questions. Nicolaas Witsen, however, the Amsterdammer, intended from the time when their mission began to see what could be done for the Dutch merchants. He wrote to the burgomasters in February that he would do everything he could for the merchants, and had, in fact, already on his own responsibility brought up something of the kind with William, who had answered graciously, but had said he doubted whether the English could easily be induced to do the Dutch any favours or to give up any possessions they had held since past times, and had advised postponing the whole matter until the press of business in London should be diminished.¹ Three months later he has made no headway, but the merchants of Amsterdam have sent over one of their number expressly for the purpose of taking advantage of the negotiations to get some favourable conditions for commerce and navigation to the British Isles and possessions. This man, whose name is not to be found in the records of the Amsterdam municipality and whose mission may therefore be supposed to have been purely unofficial, had frequently written and spoken to Witsen. Witsen, however, feared that without instructions from the states general, and in the unfavourable state of English opinion, little could be done. He had thrown out to Lord Nottingham the suggestion that the English should treat the Dutch as they themselves were treated in Holland, with a free right to import all kinds of goods, of which many were now excluded by various enactments. Nottingham was much averse from this.² Witsen took, however, the energetic step of persuading Schimmelpennink, the senior member of the embassy, to make a proposal to the English commissioners, and these agreed to a revision of the commercial treaty.³

After this, the states general at last took a step forward. The 'directeurs van den Levantschen handel', a body seated at Amsterdam, had drawn their attention to the matter, in a letter of which, unhappily, neither the original nor any copy is now to be found, but which was passed on to the ambassadors in England. They accordingly explained to William the complaints of the Dutch against the navigation acts of 1651 and 1660, and the silk duties of 1660 and 1685. They asked for the repeal of these, but they gathered from the drift of William's answer that he thought it useless to go on with the matter.⁴ Either now or at some other time, William even laughed at the proposal.⁵ One

¹ Letter to burgomasters, 22 February.

² *Ibid.* 18 June.

³ On 10/20 June (*ibid.* 11/21 June).

⁴ The dispatch has, by a slip, the navigation act of 1651 and the 'belastinge op de zyde' of 1660 and 1685 (ambassador's secret dispatch 28 June/8 July; cf. Witsen to burgomasters, 5/15 July).

⁵ Scheltema, *Mengelwerk*, III. ii. 154; Sirtema de Grovestins, vi. 163.

more attempt was made to get the British commissioners to deal with this and the minor commercial questions that had arisen in the meantime, but they roundly refused, on the ground that they could not reverse arrangements enacted by parliament.¹ No doubt it would have been as good as impossible at that stage in the reconstruction of British policy to withdraw the great measures against which the Dutch protested. It would inevitably have led the English to believe that their interests were being sacrificed to those of the Dutch. What would have made this look still more likely was the fact that the Dutch offered nothing in return for the concessions they asked. Even without the long tradition of jealousy between the two nations, and without the heightened suspicions of the moment, which were shown clearly in the difficulties about the repayment of the Dutch expenses of 1688, it would have demanded an exceptional enlightenment for the English to make a one-sided concession of what they almost unanimously believed to be their artificial commercial advantage. But, indeed, the Dutch had not pressed very strongly. They had not at any point tried to make the success of the negotiations for an alliance depend on the arrangement of the commercial treaty. The alliance was for them too obviously necessary. They had not even wrangled and obstructed over this as they did over the questions of naval rank and trade with France and the right to make a separate peace. The states general had not pressed them to gain the point. Dutch public opinion had remained indifferent. The commercial negotiations were not serious enough even to deserve the name of a flash in the pan.

The completeness of their failure is best seen from the small subordinate points. Various separate commodities were mentioned on which concessions might have been got. There had been a small but steady export of Delft china to England: Dutch tiles may still be found in old houses along the English coast and rivers from Exeter to Scarborough. Imitations of Delft china were made at Lambeth from the middle of the seventeenth century and at Bristol from about the end of it, at Liverpool a little later. In 1676 John Ariens van Hamme, by the encouragement of Temple, the ambassador at The Hague, came over and was given a patent for fourteen years 'for the art of making Tiles and Porcelain and other Earthen Wares after the way practised in Holland'. In 1688 the brothers Elers came over with William and set up the work in Staffordshire.² The Dutch representatives frequently refer to an act of parliament forbidding the importation, but the prohibition seems to have

¹ Witsen to Heinsius, 23 July/2 August (van der Heim, i. 19).

² Lt. Jewitt, *The Ceramic Art of Britain*, 2nd edition, pp. 75, 92, 208-11, 311.

been due to patents of monopoly. Now the pensionary Heinsius had formerly been pensionary of Delft, and he was still living in the town when Gerard Putmans, burgomaster of Delft, wrote to him about this matter. Putmans had come over to England on the business, as had also one van Beest, who had done no good, but the matter seemed hopeless whilst king and parliament were so busily occupied.¹ Heinsius does not seem to have used any influence with William. The extraordinary ambassadors only got from him the answer that he had not looked into the matter and did not think it timely to discuss it.² Witsen, at the request of the porcelain and the earthenware makers' guild of Amsterdam, separately approached the king with no more success.³ If the English were obstinate about Delft china, they were not likely to give way about woollens, their favourite article of protection, nor about other textiles. Early in the negotiations Witsen had thought it possible to make some agreement about these. 'You are aware', he wrote to the other burgomasters of Amsterdam, 'that the importing of black cloth is forbidden in this country, as is the importing from here of red cloth to our country. A mutual freedom might be arranged.'⁴ Nothing seems to have come of this. On one more small point the Dutch tried and failed to get a concession, the harbour dues in English ports. Their ships were charged at a higher rate than the English, and, in spite of memorials and, apparently, of promises from William, they could get no reduction. Sporadic complaints about 'light-money' and 'anchor-money' went on throughout the war and after the peace.⁵ Bad as the opportunity was in 1689 for the Dutch to readjust their commerce to the state of war by obtaining a remission of the burdens imposed by their chief remaining peaceful rival, the rest of the war did not provide a better. On both sides, but especially in England, the protective tariffs were progressively strengthened.

A link between these commercial questions and the primary business of war is supplied by the treaty for prohibiting commerce with France. Ever since the times of Leicester, whenever the Dutch and the English had fought as allies, the question of trading with the enemy had caused difficulties between them, the English tending generally to ask for greater severity and the Dutch to indulge greater laxity in dealing with it. They were now both definitely at war with France, each state dealing with

¹ Putmans to Heinsius 25 March 1689 (Heinsius Papers, I A).

² Secr. dispatch of 2/12 August; cf. *Res. Stat. Gen.*, 26 July/5 August.

³ To burgomasters, 9/19. 13/23 August.

⁴ To burgomasters, 5 April.

⁵ Memorial of 29 June/9 July 1689 (the copy in State Papers, Foreign, Holland 220, is undated). See also Witsen to Heinsius, 2 August; extraordinary ambassadors 16/26 July, memorial of 7 October; Witsen to Heinsius, 30 September.

sea-borne trade according to its own established maxims, before there was any further diplomatic discussion of these questions between them. With the Dutch the outbreak of war had been preceded by a period of commercial hostilities : from the autumn of 1688 the importation of most of the French products and manufactures was forbidden.¹ The Dutch declaration of war on 26 February/9 March brought with it a list of contraband articles which might not be taken to the French.² This has the rather unpractical distinction that Dutch subjects are not allowed to take naval stores, but neutral subjects, in consequence of the treaties with neutral states, are allowed to take them. In general the prize-courts were acting on the old principle ' Free Ships, Free Goods ' .³

In England the restrictions put on trade were only slightly more severe. Before the declaration of war there had been in the spring a proclamation forbidding the importation of French wines, brandy, silks, linen, cloth, pepper, and so forth, and a time limit seven months ahead had been named after which no one was to sell these goods on pain of having them confiscated. After the declaration came a second proclamation forbidding the importing of any French goods whatsoever after an interval of only a week, on pain of confiscation, the informer getting half the value. In this proclamation there is a preamble which shows clearly how the ' jealousy of trade ' could be invoked in favour of their policy, although it was also intended to damage the enemy. It recites that England has for years received great damage by consuming French commodities and exporting English bullion and coin, and avows the protectionist purpose ' to increase and encourage our own manufacture ' .⁴ By the common law it was high treason to sell goods to the enemy with the intention of aiding him in carrying on the war ; to trade with him for private enrichment was a misdemeanour. The law, however, was none too clear.⁵ To make these prohibitions really effective it was necessary to have fresh legislation, with special penalties and a machinery for detection and prosecution. On the Dutch side this was equally the case, but there does not seem to have been any spontaneous movement. In the English house of commons a bill was introduced a little more than a month after the declaration of war, for prohibiting all commerce with

¹ *Placaets* of 8/18 October 1688 (*Groot Placcaetboek*).

² *Ibid.*

³ *Res. Stat. Gen.*, 25 November/4 December 1688, instructing admiralty colleges to this effect.

⁴ Proclamation of 25 April/5 May 1689 (*Tudor and Stuart Proclamations*); its preparation resolved on by privy council 15/25 April (Privy Council Register). For a similar proclamation on the occasion of the second Dutch war see *Tudor and Stuart Proclamations*, 16/26 March 1604/5.

⁵ See the opinions of the judges in *House of Lords Papers, 1690-1*, p. 447.

France. More than two months elapsed before it obtained the royal assent, and although it was considerably amended in both houses, this does not seem to have been the principal cause of delay.¹ The fact was that, however unprofitable the French trade was according to the recognized doctrine of the balance of trade, the houses had no wish to close it to the English while it was left open to the Dutch. Although the Dutch were allies, they were also competitors, and the English did not wish to enter on a vigorous war against French trade unless the Dutch came into it as well. They were ready enough to take the same line they had taken in 1678, but success in that policy depended on loyal co-operation between the allies, in repressing the French trade both amongst their own subjects and amongst neutrals. Indeed, whatever the policy of either state was to be, it was necessary to have a mutual understanding. Other states would be almost certain to blame both for the faults of either, so that unfair or indiscriminate seizures of neutral ships by one would compromise the other. On the other hand, either might steal a march by such confiscations or by continuing to trade with the enemy.

On the day of the second reading of the bill, therefore, the commons voted an address praying for the inclusion of a clause for the prohibition of trade with the enemy in the treaties of alliance which the king was negotiating with other powers. On the following day Sir Henry Capel gave them the assurance that this had been looked after in the Dutch negotiations and that the same would be done in all the other treaties of alliance.² The matter had, in fact, already been under discussion for three weeks between the English and the Dutch commissioners.³ In the course of the negotiations for a treaty of alliance, the English commissioners had brought up the suggestion that a declaration should be issued to all the powers, announcing that the allies would prevent all ships of whatever nationality, belligerent and neutral alike, from entering or leaving French ports. The discussion had made little progress when the commons passed their resolution, and the mutual suspicions are illustrated by Witsen's comment on that event: 'This is a good business, yet England is provided with such goods for two years ahead.'⁴ His opinion became less favourable when he thought over the proposal further, and when an agreement on details had been reached, he did not want to sign this

¹ The statute is 1 William and Mary, sess. 1, c. 34 (*Statutes of the Realm*, vi. 98), and the parliamentary proceedings are to be found in the *Commons' Journals*, especially 7/17 August; *Lords' Journals*, especially 9/19 August; *House of Lords Papers 1689-90*, pp. 250 f.

² *Commons' Journals*, 1/11 and 2/12 July.

³ Secret dispatch, 11/21 June.

⁴ To burgomasters, 5/15 July.

treaty any more than he afterwards wanted to sign the treaty of alliance. The fullest account of his reasons is given in his autobiography of 1711 :

Such an arrangement might in its turn work out to our disadvantage. If, for instance, Sweden and Denmark were at war and both parties wished to sail from our ports, the ships of both would, according to this precedent, be arrested (as happens now), although our forefathers practised the rule 'Free ships, free goods'. As for the treaty, experience has since shown the harmfulness of seizing neutral ships and so abolishing the old usage 'Free Ships, Free Goods'.

Ultimately he was persuaded to sign by the reasons given in a letter of Heinsius,¹ but this letter has unhappily been lost. It would have shown the English policy in contrast with the Dutch, for William and his little group of statesmen, Heinsius among them, with their one dominant idea of fighting France, had, not unnaturally, taken up the English policy. For them its political side was the main thing : there is no indication that they were enthusiasts for the balance of trade. William himself had had a conversation with Witsen about the question. Already there had been complaints from the Swedish ambassador, Oxenstiern, about the detention of a Swedish ship in the Netherlands. Witsen explained to the king his doubts about the inclusion of Swedish and Danish ships in the prohibition, but the king would have nothing to do with them, although the execution of the treaty could easily have been delayed until it was a little more clear what were the chances of practical success.² Witsen had earlier suggested to the king a treaty affecting only allied ships of third parties, that is imperial ships, and not neutrals, but the king wanted all to be included. Witsen then thought that it ought to be considered whether the signatories of the treaty should guarantee one another against the possible consequences of irritation among the third parties whose ships were taken, and this suggestion was adopted in the separate article supplementary to the treaty.³ The English policy was accepted in its completeness and without other additions.

The treaty, dated 12/22 August, is short and downright.⁴ The preamble recites that a state of war exists and that Great Britain and the states general have ordered their fleets to sail and blockade (*bloquer*) the French ports, stopping trade and supplies. The signatories agree neither to trade with the enemy in their own or in foreign ships, nor to carry French goods to any port nor any goods to French ports. All vessels of any

¹ Witsen to Heinsius, 13/22 August.

² *Ibid.*

³ Witsen to burgomasters, 2/12 July.

⁴ Text in Dumont, VII. ii. 238. It was actually signed on 13/23 August (Witsen to burgomasters and secret dispatch on that day).

nationality found sailing for French ports or carrying goods to French subjects were to be taken and reputed lawful prize. Neutrals were to be notified that ships which had sailed before the notification of this decision would be turned back when they were found sailing to French ports and, when found coming from them with French goods, would be made to go back and set down the goods again. After the notification they were not to be turned back but confiscated. Allied states were to be asked to co-operate in these measures.

The genesis of this policy cannot well here be traced, and it will not be necessary to make any laborious criticism of it from the point of view of policy, because its failure during the war, the succession of expedients by which it was attempted to prolong or to revive it, sufficiently show how far it went beyond what was possible. But it will be as well to notice here some of the arguments which have been used when the treaty has been considered not as an act of policy, but as a document marking a step in the development of international law. From that point of view it is apt to appear as an isolated and unreasonable measure, a departure from the regular stream of progress. The reason is, of course, that it was not primarily meant as a measure for improving international law, but as a measure for winning the war against France; and as a measure of hostility, although it proved impracticable, none the less it was the expression of a state of things which now existed for the first time, the union of the two proverbial and predominant sea-powers. The measure itself is less surprising than its failure. From the point of view of international law, of the regulation and reasonable ordering of international relations by permanent and general rules, its failure is easier to understand. If it had inaugurated a system, if its principle had become established as the normal principle for commerce in time of war, such a system could have been maintained only by an incredible indifference of neutrals or by an incredible preponderance of justice on one side of every conflict. It has been said of it: 'that document does not profess to exercise a belligerent right against neutrals, but in effect to forbid neutrality.'¹ As for professions, indeed, the treaty makes none, but in effect it did forbid neutrality to merchant shipping. It cut the world of commerce into two halves, and it ordered all ships to trade only in that half which belonged to the party of William. For commercial reasons the neutrals might have been willing to throw in their lot with him, and he might have been so much and so obviously in the right as to be morally justified in exacting this degree of hostility to France. At the time when the treaty was made, he probably imagined that the

¹ Westlake, *International Law*, ii. 226.

first of these conditions was in existence. As to the other, he made no pretensions. In a moment of frankness he even said : ' I will have it so : it is *droit du canon*.'¹

The greatest difficulties of the missions in 1689 arose during the negotiation of this convention over another maritime question, the question of the limits of British admiralty jurisdiction. This was raised in cases of two kinds : first, those of Dutch ships and goods confiscated for trading to France ; secondly, those of Dutch privateers which put into British harbours with their prizes. The English coast of the Channel, along which rather than along the French side the trade-routes ran, was the happiest hunting-ground of the privateers of both nations. The English officials at the ports acted on the principle that all prizes there-brought in were subject to the jurisdiction of the British courts of admiralty. During May and June a number of prizes taken by the Dutch were accordingly detained in English harbours to await the end of the usually very dilatory admiralty proceedings. The Dutch ambassadors pressed that their privateers should be allowed to take their prizes with them for adjudication in their own provinces.² In one case in May the English privy council had already permitted this to be done ' as the treaties direct ' ;³ but the English did not hold to this principle, and on 24 June the Dutch handed in a long memorial in its favour.⁴ They argue that the king's sovereign right to liberate the privateers and prizes detained in British ports could not be limited by accountability to any authority in his kingdom, and that the rule, if it were made general, would subject captors to an indefinite number of foreign jurisdictions. They assert the doctrine that all ships and goods are to be judged in the courts of the captor state, which they say was recognized, two or three years before, even in the case of Algerine pirates putting into a British port with Dutch prizes, and again in the marine treaty of 1674,⁵ and in William's instructions of 1689 to both his Dutch and his English captains. Lastly, it was implied in the treaty for the union of the fleets in 1689 and in the decision of one case during the war. The English, however, did not allow themselves to be convinced by this reasoning. At the end of clause 2 in the treaty for prohibiting commerce with France, they proposed the words : ' seront reputes de bonne prize par les Admirautez ou les dits

¹ Witsen's lost *verbaal*, quoted by Wagenaar. xvi. 36 ; Sirtema de Grovestins, vi. 162.

² Dispatches of 23 April/3 May, 31 May/10 June, 7/17 June, 21 June/1 July.

³ Privy Council Register, 6/16 May 1689.

⁴ The original, dated 21 June, is in State Papers, Foreign, Holland 220.

⁵ Here, they say, although an express prohibition of the opposite was regarded as superfluous, the principle is implied in arts. ix-xii. See the text in Dumont, vol. vii, pt. i, p. 282.

vaisseaux et Marchandises doivent etre jugez et condamnez.' The Dutch proposed to substitute the formula :

seront reputez de bonne prise par les amirautez dont ceux qui ont fait la prise auront receu leur commission, tout sur le pied et conformement a ce qu'en est convenu par le traite dernièrement conclu pour la conjunction des deux flottes.

This the British commissioners would not accept. They promised a further discussion, and said that in the meantime they were ready to substitute 'le juge compétent' for 'les amirautez';¹ but their next step was to produce an uncompromising legal opinion. The two chief justices, the judge of the admiralty court, the attorney-general, the solicitor-general, and another unanimously answered in the negative the question put to them by the privy council :

whether it be consistent with the Law of England for the King to make it an article in a Treaty with another Kingdome or State that in case Prizes be taken by the Privateers of the one Kingdome or State and brought into the ports of the other, they shall in Cases be judged by the respective Admiralties of that Kingdom or State to which the Privateers belong and shalbe permitted to go thither from out of these Ports for the purpose.²

This the Dutch contested as contrary to the terms of the treaty for the union of the fleets; but the English refused to give way, and finally the Dutch agreed to the small amendment of inserting the words 'les juges compétents'. Although the treaty was thus made out in accordance with the English view, the Dutch seem to have received an assurance that ships captured by their captains would be allowed to the jurisdiction of their own admiralty colleges.³ The practice during the war does not, however, seem quite to have followed this promise. At any rate there were one or two further disputes about the extent of British jurisdiction over prizes brought in by the Dutch, though it is possible that some British interest in the cargoes may have distinguished these cases from the majority.⁴

The fourth in date, which is also the last and least important of the conventions concluded in 1689, deals with a question of detail in maritime warfare, but yet illustrates some of the general problems of the alliance. It regulates the distribution of the booty, or rather the reward to be given to the captor, when prizes,

¹ Secr. dispatch of 2/12 July.

² Privy Council Register, 1 July 1689. The answer is printed in R. G. Marsden, *Law and Custom of War at Sea*, i. 125.

³ Dispatches of 30 August/9 September.

⁴ Cases of the *Lion of the North* (State Papers, Foreign, Foreign Ministers 21: Memorial of 27 July 1692) and *Nostra Signora della Consolazione* (Foreign Entry Book, 69: Memorials of 28 August and 16 November 1695 with correspondence on them; cf. *Res. Stat. Gen.*, 17/27 October 1695).

originally the property of one of the allies, were recaptured before the enemy had taken them *intra praesidia*, that is, into one of his ports or into the protection of one of his fleets flying the *pavillon*.¹ Cases of this kind were not infrequent, and the rise of international agreements to settle those in which a ship previously belonging to one ally was recaptured by another is symptomatic of the way in which war at sea was becoming more orderly and regular. The previous Dutch practice, when both the owner and the recaptor of the ship were Dutch, seems to have been more generous to the privateer than the English practice for English subjects.² The general principle on which the scales were arranged was that, the longer the ship had been in the enemy's hands, the greater was the reward for recapturing it and the smaller the share given to the original owner. The negotiations of 1689 began with the Dutch placet of 1677 as a basis,³ but an additional step was added to the scale by offering a reward of one-eighth of the value of the ship for recapture within twenty-four hours, a time which with the Dutch had given a title to the same reward as forty-eight hours.⁴ Later, however, the Dutch having made up their minds not to allow any reduction below one-sixth for privateers, this small salvage money was limited to warships, privateers being given the old fifth. In this, as in more important things, the Dutch showed themselves more inclined to encourage the industry of privateering by commercial favours and less able to regulate it than the English.

It remains now to trace very briefly the military and naval negotiations of this year. There was already in existence the treaty of Westminster of 3 March 1678, renewed in 1685, of which the separate articles laid down the minimum limit for the strength of the contingents of the two allies, with a provision for agreeing on an increase in case of need. The numbers for land-forces laid down in this treaty were 10,000 infantry from England, if she were coming to the assistance of the Dutch, and in the opposite case, 6,000. The naval contingent was, in either event, to be twenty ships. The contingents were to be under the command of the power which, having been attacked by

¹ The text is in Dumont, vol. vii, pt. ii, p. 301, but is there out of place, being given under 22 October 1691 and not under the true date 26 October/5 November 1689. The delays about the signature of the agreement make the dating somewhat difficult; see the ambassadors' dispatches of 22 October/1 November, 25 October/4 November, and Witsen to Heinsius 1/11 November.

² See Martens, *Essai concernant les Armateurs* (Göttingen, 1795), cap. 3.

³ Text dated 3/13 April 1677 in *Groot Placcaetboek*; see also *Stat. Gen. Res.*, 18/28 February 1678.

⁴ Dispatches of the ambassadors, 17/27 September, 1/11, 15/25 October; Privy Council Register, 14/24 October.

a third party, was receiving succour from its ally.¹ This treaty had, however, been modified within a few months of its conclusion. The later arrangement was that of Temple's treaty of 26 July in the same year, a treaty intended only to deal with the temporary circumstances of that time, by which, provisionally, England was to furnish a third more ships of war than the states, and the states a third more troops on land.² When the first of the Dutch missions of 1689 set out for England, the *casus foederis* under the former of these treaties, that of March 1678, had already arisen, so that the extraordinary deputies were instructed on the assumption that this would be admitted by the English.³ Their main business was to arrange for the co-operation of the fleets, and the scheme laid down for them by the admiralty deputies and the naval committee of the states general was the transference to the naval contingents of the proportion of five to three applied in the old treaty to the military forces. Instead of supplying one-third more ships than the Dutch, as under Temple's treaty, the English were to be asked to give two-fifths more. The French fleet was estimated at eighty sail, and the Dutch hoped for a combined fleet of at least equal strength, in the proportion of five-eighths English to three-eighths Dutch, or fifty English and thirty Dutch. In addition to this, they wanted ten light frigates to cruise for the protection of commerce in the North Sea and for the blockade of Dunkirk, the dangerous nest of privateers on the flank of the Channel trade-route. The provision of convoys for merchant shipping of the two nations was the only other principle of joint action included in the instructions.

These principles of co-operation were accepted by the English practically without discussion. Certain difficulties arose and were overcome before the signature of the treaty for the co-operation of the fleets, but they were not connected with the proportionate efforts demanded of the two allies. By the time the deputies had been in England well over a month, the necessary steps had been taken in Holland for raising a fleet of thirty ships of the line,⁴ and the two sets of deputies now in England, the first party and those of the admiralities, had got their case ready for conferences with the English. On the same day with the king's notification that he had chosen as commissioners to treat with them Nottingham, Herbert, afterwards Lord Torrington, and Admiral Sir Edward Russell, there came the letter and resolution of the states general raising the three former to the rank of ambassadors

¹ Text in *Actes et Mémoires des Négociations de la Paix de Nimègue*, 2nd edition (The Hague, 1697), ii. 354 f. Rousset, *Recueil Historique*, xix. 413.

² Text in Lamberty, *Mémoires*, i. 456; Courtenay, *Life of Temple*, ii. 470.

³ Stat. Gen. Secr. Res., 26 December/5 January 1688/9.

⁴ 19/29 January 'Provisionele begrooting', Stat. Gen. Res., 21/31 January, 5/15 February

extraordinary and adding Engelburg and Citters to their number.¹ The two last declined to take part in the naval conferences on the ground that they were so far advanced. They were still to last more than a month.

At the first conference with the English, on 9/19 March at Torrington's house, the Dutch, on being asked to put forward a proposal, made that on which they had agreed amongst themselves, for two joint fleets, one of fifty of the line for the Channel and the Irish Sea, one of thirty for the Mediterranean, each with its due complement of lighter craft, and the additional squadron of ten frigates to cruise from Dover to Walcheren.² This is what was agreed in the treaty, and it lays down an outline for the strategy of the war. In addition to this, however, the Dutch made a proposal which was declined. They suggested an expedition to America, for the protection of possessions and the advancement of the interests of the two states, but the English answered that their interests in that quarter did not agree. At later conferences the same proposal was revived, but nothing more was agreed than that each power should grant the protection of its convoys to the other's West Indiamen.³ When the Dutch island Eustatia was seized by the French and Englishmen became anxious for the safety of their own West Indian plantations, it was again thought possible that there might be common action there, but the English recovered Eustatia single-handed and gave it back to the Dutch. Combined action in the West Indies does not seem to have been made a second time the subject of diplomatic discussion.⁴ The reason for the English refusal presumably was a general desire to keep down the activity of the Dutch in American waters, to prevent them from extending their trade or possessions there, or at least to abstain from contributing to any such extension.

At the first of the conferences, the difficulties of naval precedence began, the English claiming the right of commanding the joint fleets, while the Dutch were willing to concede it to an English admiral of the fleet but not to any officer of lower rank. We shall probably be right in doing what Bentinck did, and treating this as a trifling matter.⁵ The king easily settled it by promising to give the temporary rank of admiral to any of his vice-admirals who should command.⁶ Another similar dispute was raised about the order of voting in joint councils of war. It was difficult to get a satisfactory order of seniority, because the English custom

¹ Dispatch of 8/18 March; *Res. Stat. Gen.*, 25 February/7 March.

² Dispatch of 12/22 March.

³ Dispatch of 19/29 March, 2/12 April.

⁴ Witsen to burgomasters, 28 May/7 June, 18/28 June.

⁵ Witsen in Scheltema, *Mengelwerk*, III. ii. 148.

⁶ Dispatch, 11/21 March.

was, as it is now, for the junior to give his opinion first and the senior officer last, whereas the Dutch observed the opposite order. This matter was not made the subject of any clause in the treaty, and it was agreed to stick to the previous practice. Only the more obstinate of the Dutch representatives seem to have troubled themselves about its bearing on their national dignity.¹ On 11/21 May the treaty was signed, but at the request of the English commissioners it was dated 29 April.² There is no record of a reason for this discrepancy, but it may have been intended to record the fact that the treaty was drafted before the English declaration of war which had now been made. In the naval history of Europe this treaty is important because, except for the details of the number of ships, it lays down the lines on which the co-operation of the English and the Dutch was to continue throughout the two great wars of William III and Anne.

The second of the four conventions concluded in 1689 was a treaty of offensive and defensive alliance. Unlike the treaty for the co-operation of the fleets, this lays down nothing at all about the strengths of the contingents to be furnished by the two allies, but the story of the negotiations shows that this omission was in fact the adoption of one policy rather than another on this very point. The easy consent of the English to the Dutch naval proposals would be misunderstood if it were later to imply agreement, even at this early stage, about the degree of effort that was to be made. From an early date in the mission of the extraordinary ambassadors, William intended to appoint commissioners to treat with them for a nearer alliance.³ The king and parliament showed a disposition to declare war on France, and William wished the states general to consider that the manner and conditions of the common conduct of the war might have to be settled by a convention before England would take that step.⁴ The existing treaty contemplated a war in which one of the sea-powers should act with all its strength and the other should aid it, as an auxiliary only, with a limited contingent. The coming struggle was likely to be equally serious for both, and this in itself, at any rate in combination with the known jealousy of the English, would be reason enough for a special agreement. There does not seem any adequate ground for the theory of Klopp that it was in order to preserve the secrecy of the grand alliance, on which secrecy Klopp always lays great stress, that William redundantly made a separate treaty with the Dutch.⁵ Had the treaty been, as he says, superfluous both in

¹ Dispatches, 27 March/8 April, 5/15 April, 25 April/5 May, (secr.) 14/24 May. Witsen to burgomasters, 16/26 April, 26 April/6 May; to Heinsius 10/20, 11/21 May.

² Secr. dispatch, 11/21 May.

³ Dispatch, 15/25 March.

⁴ Secr. dispatch, 5/15 March.

⁵ Klopp, iv. 490.

matter and form, one might have expected to find that some contemporary noted the fact. No contemporary seems to have hinted anything of the kind.

The necessary powers having been granted by the states general, an invitation to negotiations for an alliance was given by the English as soon as the naval negotiations ended, but it was a month before the English commissions were signed and sealed and another month before the discussions began.¹ Even then there were formal difficulties about the powers of the Dutch ambassadors and delays of many kinds.² From the first the powerful English commission showed itself ready not only to renew but also to strengthen the treaty of March 1678.³ Strengthening it, however, was an indefinite term, and it soon appeared that it might mean something unwelcome to Witsen and Amsterdam, if not to the Dutch in general. The English refused to discuss the proportions of forces until the Dutch had agreed to make no separate peace.⁴ Witsen thought that the English had more serious causes than the Dutch for a quarrel with France, that the English would find it harder to make peace if they came to want it, and that it would therefore be unwise for the Dutch, by making such an agreement, to lose a chance of limiting their liabilities in the future. Moreover, he thought that England had more staying power than the republic and might still have the strength to fight when the Dutch had lost it.⁵ William thought that an agreement to make no separate peace was as good for one state as for the other.⁶ The ambassadors as a body would have liked to reserve for the states general the question of freedom to make a separate peace, but they gave way to the persistence of the English with the remark that

to have refused would have aroused great uproar here and might have been taken up by ill-intentioned persons as a pretext for giving more colour to their discourses which are daily scattered abroad to foster mistrust and disunion between this kingdom and the state.⁷

In conceding this point, the Dutch hoped that they would make the rest of the negotiations easier for themselves. After a time, however, it appeared that there was little disposition among the English commissioners even now to fix the forces of the two allies. They seemed to think that each ought simply

¹ Stat. Gen. Sec. Res., 23 March/2 April; ambassadors' dispatches, 21/31 May, 4/14 June; Witsen to Heinsius, 16/26 May.

² Sec. dispatch, 11/21 June, &c.

³ *Ibid.*, 4/14 June.

⁴ In Scheltema, *Mengelwerk*, III. ii. 155.

⁵ Witsen to burgomasters, 2/12 July.

⁷ Ambassadors' dispatch, 11/21 June.

⁶ *Ibid.*, 11/21 June.

to act with the utmost vigour.¹ They agreed to confirm all the existing treaties and to revive the treaty of March 1678 on the renewal of peace, but they stuck to their refusal to fix the contingents. A treaty² was drafted in accordance with their views, containing in effect nothing beyond the renewals, the agreement for a common peace, and a provision that the late convention for the employment of forces during the year was to be supplemented as soon as possible by articles on the numbers and uses of the troops and vessels. Delay still followed delay, Citters and Witsen falling into their accustomed doubts about the wisdom of putting their names to what had been agreed.³ On 24 August/3 September, however, the treaty of alliance was signed, third in order of date among the four conventions of the year, that on trade with France having been taken in the course of the alliance negotiations.

It is especially in the negotiations for the treaty of alliance and the naval convention that the lack of English evidence is to be deplored. A question which has a certain importance throughout the war, and not least at its beginning, is the question what view the English government took of the resources of the Dutch and the effort they ought to make by land and sea. For the present there is no light on it from the records of these negotiations. Nor can one be sure that some of the delays were not due to other cross-currents of distrust than those which the Dutch representatives detected. On the whole, however, there can be little doubt about the main significance of the four treaties. The Dutch were already irrevocably committed to the war before they sent their missions to London. They were not able to extort a price from the English for their support, and, consequently, they got nothing but an ally for the war who refused to take part in it as a war of limited liability and yet refused to put an end to his commercial rivalry or his old claims of precedence. Since this ally was already the stronger party of the two, and since his strength was to be increased and his reserves of wealth developed in the succeeding years of war and peace, whilst those of the Dutch made little progress or none, it is no wonder that these treaties began a period in which the close alliance of the sea-powers contributed, above all else, to the greatness of England.

G. N. CLARK.

¹ Ambassadors' dispatch, 2/12 July.

² Text in Dumont, vii. ii. 236, without the full date 24 August/3 September.

³ Witsen to Heinsius, 1/11 August (partly printed in van der Heim, i. 20), 6/16 August.