

The Treaty of Münster, 1648

Introduction: The Treaty of Peace between the United Provinces of the Netherlands and Spain was signed at Münster on 30 January of 1648. It was part of a larger settlement, known as the Peace of Westphalia, which brought the Thirty Years War to an end and played a major role in establishing the principle of non-interference in the internal affairs of sovereign states in international law. It represented a defeat for the claims of personal rule by the Hapsburgs within the Holy Roman Empire and a victory for the sovereignty of national states (even though few national states were composed at the time of what came to be seen later as more clearly defined nationalities). The Peace of Westphalia did not bring peace to Europe, for France and Spain remained at war for more than another decade. Nonetheless, it laid a foundation for the development of the idea of national self-determination in Western international law. For the Dutch Republic the Treaty of Münster signified a victory in their Eighty Years War with Spain, which finally recognized the legal existence of the Republic of the United Provinces as a sovereign state. The Treaty does not use the word 'Republic' but states that it is between the 'King' of Spain and the 'Lords States General of the United Netherlands. Both the 'King' and the 'States' are both identified here as sovereign.



Gerard ter Borch II, Gerard ter Borch II, *The Signing of the Treaty of Münster, 1648*,
Rijksmuseum, Amsterdam

While the Peace of Münster was clearly a victory for the Dutch Republic, its achievement remained controversial domestically. The stadholders, the Prince of Orange, Frederick Henry, who died in 1647, and his son William II, who succeeded him, feared that peace would diminish their influence. They, and some of their supporters, still hoped for a United Netherlands, which would also include the southern provinces, which remained under Hapsburg rule. The nobility of the inward provinces worried about their livelihood as officers in the army after the peace. Many orthodox Calvinist ministers remained hostile to the toleration of Catholics and other religious nonconformists in the Republic. The Province of Zeeland, which was heavily involved in the West India Company, was opposed to peace because of their profitable smuggling, piracy, and even the occupation of Spanish and Portuguese assets in the Western Hemisphere, which they justified on the grounds that they were at war with the papists. Although the economic and political power of the province of Holland, and its powerful Regent ruling class, achieved the ratification of the Treaty on June 5, 1648, by the States General with a slim majority, the bitterness of the debate lingered, suggesting that the fundamental fissures between the Orange and Republican political factions in the Republic had not yet been resolved. After the crisis of 1650, when William II attempted a coup d'état that failed against his opponents in Holland, the Republican side ruled the Republic without a major challenge until the disastrous war of 1672 with France and England.

The text of the Peace of Münster below was translated from C. Smit, *Het Vredesverdrag van Münster, 30 Januari 1648*, (Leiden, 1949), by Herbert H. Rowen, ed., *The Low Countries in Early Modern Times: A Documentary History* (New York, 1972), pp. 179-187.

Treaty of Peace concluded on January 30th of this present year 1648 in the city of Münster in Westphalia, between his Most Serene and Mighty Prince, Philip fourth of the name, King of Spain, etc., on the one side, and the High, Mighty Lords States General of the United Netherlands, on the other.

In the name of God and in His honor. Let all persons know that, after a long succession of bloody wars which for many years have oppressed the peoples, subjects, kingdoms and lands which are under the obedience of the Lords, King of Spain, and States General of the United Netherlands, the aforesaid Lords, the king and the States, moved by Christian pity, desire to end the general misery and prevent the dreadful consequences, calamity, harm, and danger which the further continuation of the aforesaid wars in the Low Countries would bring in their train, even spreading to other cities and regions and remote lands and seas, and to put in the place of such baleful effects on both sides a pleasing, good, and sincere peace, with the fruit of complete and firm peace for the solace of the aforesaid peoples and provinces under their obedience, and for the repair of the harm which has been suffered, with the aim of the general welfare not only of the Low Countries but also of the whole of Christendom. They invite and call upon other princes and potentates to allow themselves to be moved by the same pity and to avert the mishaps, destruction, and disorders which the heavy plague of war has made men suffer for

so long and so heavily. In order to achieve this good and much desired purpose, the aforesaid Lords Don Philip the Fourth, king of Spain, and the States General of the United Netherlands, have appointed and delegated the following persons: The aforesaid Lord King, Don Gaspar de Braccamonte y Guzman, Count of Peneranda, Lord of Alea Seca de la Frontera, Knight of the Order Alcantara, permanent administrator of the commandery of El Daymiel of the Order of Calatrava, nobleman of the chamber of his Majesty in his councils and chambers, extraordinary ambassador to his Imperial Majesty, the first plenipotentiary to the general peace negotiation; my Lord Antony Brun, knight, councilor of his Catholic Majesty in his councils of state and of the Superior Council for the affairs of the Low Countries and Burgundy, in attendance upon his person, and his plenipotentiary for the treaties of general peace. And the aforesaid Lords States General of the United Netherlands, my Lords Bartolt van Gent, Lord of Loenen and Meynerswyck, etc., bailiff and dikegrave of Bommnel, Tielreweerden, and Bommelweerden, deputy to the Assembly of the Lords States General from the Order of Knighthood and nobles of the province of Gelderland; my Lord Joban van Alatenesse, Lord of Matenese, Riviere, Opmeer, Zouteveen, etc., delegated councilor and deputy to the Assembly of the Lords States General from the Order of the Knighthood and nobility of Holland and West Friesland, superior councilor in the Polder Board of Schieland; my Lord Adriaan Pauw, knight, Lord of Heemstede, Hogersmilde, etc., first president of the Council of Accounts of the county of Holland and West Friesland, and deputy of the province to the Assembly of the Lords States General; my Lord Johan de Knuyt, knight, Lord of Old and New Vosmar, first member and representative of the nobility in the States and the council of the county of Zeeland and in its admiralty, first councilor of his Highness the Lord Prince of Orange, ordinary deputy to the Assembly of the Lords States General; my Lord Godart van Reede, Lord of Nederhorst, Vredeland, Cortehoef, Overmeer, Horstwaard, etc., president of the Lords, the nobility, and knighthood of the land of Utrecht, and a deputy in their name to the Assembly of the Lords States General; my Lord Francois van Donia, Lord of Hinnema in Hielsum, etc., deputy to the Assembly of the Lords States General for the province of Friesland; my Lord Willem Ripperda, Lord of Hengelo, Boxbergen, Bocoloo, and Russenborg, etc., deputy to the Assembly of the Lords States General from the knighthood and nobility of the province of Overijssel; my Lord Adriaan Clant tot Stedum, Lord of Nittersum, etc., ordinary deputy to the Assembly of the Lords States' General for the province of Groningen and surrounding lands [Ommelanden]; all extraordinary ambassadors in Germany' and plenipotentiaries of the aforementioned Lords States General to the general peace negotiation; all

provided with a complete procuration, appended at the end of this document; Who, assembled in the city of Münster in Westphalia, accepted by general consent for negotiation of general peace in Christendom, have, by virtue of their aforesaid procurations, made, concluded, and accorded the following Articles for and in the name of the aforesaid Lords King and States.

I

Firstly, the aforesaid Lord King declares and recognizes that the aforesaid Lords States General of the United Netherlands and the respective provinces thereof, with all their associated districts, cities, and dependent lands, are free and sovereign states, provinces, and lands, upon which, together with their associated districts, cities, and lands aforesaid, he, the Lord King, does not now make any claim, and he himself and his successors descendants will in the future never make any claim; and therefore is satisfied to negotiate with these Lords States, as he does by these presents, a perpetual peace, on the conditions hereinafter described and confirmed.

II

To wit, that the aforesaid peace shall be good, firm, faithful, and unbreakable, and that there shall be therefore cessation of all acts of hostility of any character whatever between the aforesaid Lord King and the States General, upon the sea and other waters, as upon the land, in all their respective kingdoms, districts, lands, and lordships, and for all their subjects and residents, of all ranks and conditions, without exception of places or persons.

III

Each shall keep and make actual use of the districts, cities, places, lands, and lordships which he at present holds and possesses, without being troubled or molested in them, directly or indirectly, in any manner whatever; it is understood these include the marketplaces, villages, hamlets, and countrysides which are their dependencies: And therefore the entire bailiwick of 's-Hertogenbosch, together with all the lordships, cities, castles, marketplaces, villages, hamlets, and countryside depending upon the said city and bailiwick of 's-Hertogenbosch, the city and marquisate of Bergen-op-Zoom, the city and barony of Breda, the city of Maastricht and its jurisdiction, as well as the county of Vroenhoef, the city of Grave and the land of Kuyk, Hulst and the bailiwick of Hulst and Hulster-Ambacht, as well as Axele-Ambacht, located to the south and north of the Geule, together with the forts which the aforementioned Lords States have at present in the land of Waas, and all other cities and places which the said Lords States hold in Brabant, Flanders, and elsewhere, shall remain under the aforesaid Lords States with all and like rights and parts of sovereignty and supremacy without exception, in the same way as they hold

the provinces of the United Netherlands; it being clearly understood that all the remainder of the land of Waas, with the exception of the aforesaid forts, shall remain to the King of Spain. As for the three quarters beyond the Maas, to wit, Valkenburg, Daalhem, and 's-Hertogenrade, these shall continue in the same state in which they now find themselves: And in the event of dispute and controversy, these shall be referred to the *Chambre mi-partie* [Bipartite Chamber], of which there will be mention later, for its decision.

IV

The subjects and residents of the lands of the aforesaid Lords King and States shall maintain all good understanding and friendship with each other, without consideration of the offenses and hurt which they have suffered before this. They shall also be permitted to enter and remain in each other's lands and there conduct their business and trade in full security, on the sea, in other waters, as well as on land.

V

Shipping and trade to the East and West Indies shall be maintained in conformity with the charters already granted or to be granted, the security of which shall be given: And this aforesaid treaty shall include all potentates, nations, and peoples with whom the aforesaid Lords States are allied, or which are allies and friends of the East and West India Companies within the regions of their charters. And the abovementioned Lords King and States shall continue to possess and enjoy those lordships, cities, castles, fortresses, trades, and lands in the East and West Indies, and in Brazil, as well upon the coasts of Asia, Africa, and America respectively, as each respectively now have and possess, with special inclusion of the places seized from the Lords States and occupied by the Portuguese since the year 1641, or the places which they shall hereafter come to obtain and possess without violation of this present treaty. And the administrators of the East and West India Companies of the United Provinces, as well as the ministers, officers of high and low rank, soldiers and sailors in the present service, or one or the other of the aforesaid two companies, or formerly in such service, as well as those who shall continue in or hereafter come into their respective services upon the European mainland as well as in the district of the aforementioned companies, shall be as free and unmolested in all the lands under the obedience of the King of Spain in Europe, and shall be permitted to travel, trade, and journey in the same way as all other inhabitants of the lands of the aforesaid Lords States. It is further promised and stipulated that the Spaniards shall continue their navigation to the East Indies in its present form, without permission to extend it further; just as the inhabitants of the

United Netherlands shall refrain from visiting the Castilian places in the East Indies.

VI

And for what concerns the West Indies, the subjects and inhabitants of the kingdoms, provinces, and Lands of the aforesaid Lords King and States respectively, shall refrain from journeying to and trading in all harbors and places held and possessed by either party with fortresses, residences, castles, or otherwise; to wit, the subjects of the aforesaid Lord King shall not journey to and trade in the harbors and places which are held by the aforesaid Lords States, nor the subjects of the aforesaid Lords States in those which are held by the aforementioned Lord King; and among the places which are included in the possession of the aforesaid Lords States shall be the places which the Portuguese have taken from the aforesaid Lords States in Brazil since the year 1641, as well as all other places which they possess so long as these are under the Portuguese; but the preceding article shall not derogate from the content of this present article.

VII

And since a considerable length of time is necessary to inform those who are beyond the aforesaid limits with forces and ships that they shall desist from all acts of hostility, it is granted that the peace conferred upon the East India Company of the United Netherlands within the limits of its charter already granted or hereafter continued, shall not begin before one year after the date of the conclusion of the present peace, and as concerns the limits of the charter heretofore granted by the Lords States General, or accorded in continuation, to the West India Company, that the peace in that region shall not begin before one half year after said date; it being clearly understood that if the news of the aforesaid peace shall reach the aforesaid respective regions within these Limits by public announcement at an earlier date, the hostilities shall cease at that time; but if there are any acts of hostility within the aforesaid Limits of the aforesaid Charters after the prescribed time of one year and one-half year respectively, then the damage shall be made good without delay.

VIII.

The Subjects and Inhabitants of the Lands of the aforesaid Lords King and States, trading in each other's Lands, shall not be required to pay more duties and imposts than the other side's own Subjects, so that the Inhabitants and Subjects of the united Provinces shall continue to remain exempted from a certain tax of twenty per cent, or similar tax of lesser or greater amount, or any other Imposition which the King of Spain raised during the Twelve Years' Truce, or shall desire to place directly or indirectly upon the aforesaid Inhabitants and Subjects of the united

Provinces, or at their expense, above or in larger amount than upon his own Subjects.

IX

The aforementioned Lords King and States shall not be allowed to collect any taxation upon entry or exit, or otherwise, upon goods passing by water or land outside their respective Limits.

X

The Subjects of the aforementioned Lords King and States shall mutually enjoy in each other's Lands the former freedom from tolls which they peacefully possessed before the beginning of the war.

XI

Visits, travel and commerce among the respective Subjects shall not be interfered with, and if any such interference occurs, it shall be removed in fact and deed.

XII

From the day of the conclusion and ratification of this peace, the King shall cease to collect all tolls upon the Rhine and Maas which before the war were under the jurisdiction of and in the Territory of the united Netherlands, notably the Zeeland Toll, so that this toll shall not be collected by his aforesaid Majesty, either within the City of Antwerp or elsewhere: It being well understood that from the aforesaid day the States of Zeeland shall mutually accept as its responsibility and pay the annual interest upon bonds for which the aforesaid Toll was pledged before the year 1572, but only from the aforesaid day, which bonds were in the possession of their owners and receivers of interest before the beginning of the said war. This shall also be done for the owners of the other aforesaid Tolls.

XIII

Refined white salt coming from the united Provinces into the lands of his aforementioned Majesty shall be received and admitted without paying a higher tax than crude salt. At the same time, salt coming from the lands of his aforementioned Majesty into the united Provinces shall be admitted and consumed without having to pay any higher tax than the salt of the aforementioned Lords States.

XIV

The River Scheldt, together with the canals of Sas, Zwyn, and other connecting channels, shall be kept closed on the side of the Lords States.

XV

Ships and goods entering and leaving the harbors of Flanders shall be required by the

aforenamed Lord King to pay and to continue to pay all such imposts and other charges as are placed upon the goods moving upon the Scheldt and other canals included in the prior article upon entry and exit; and a mutual agreement shall be made hereafter among the parties upon the footing of the aforesaid equal charges.

[Article XVI provides equal treatment of Dutch and Hanseatic merchants and sailors. Article XVII accords Dutch subjects equal treatment with subjects of the King of Great Britain. Article XVIII provides that the King of Spain shall make arrangements for burial of Dutchmen dying in his territories, i.e., that their corpses shall not be thrown upon dung heaps because burial in Catholic cemeteries was forbidden.]

XIX

The subjects and inhabitants of the lands of the aforementioned Lord King entering the lands of the aforementioned Lords States shall be required to conduct themselves in the matter of public exercise of religion with all piety, giving no scandal by word or deed and speaking no slander. And the same shall be observed by the subjects and inhabitants of the lands of the aforementioned Lords States entering the lands of his Majesty.

[Subsequent articles provide for various legal relations, rights, and procedures between the subjects of the two states, with special provision for the interests of the Prince of Orange in properties in the Spanish Netherlands (Articles XLIV-XLV, XLIX).]

LIII

The aforesaid Lord King obligates himself to labor effectively for the continuation and observance of neutrality, friendship, and good-neighborly relations on the part of his Imperial Majesty and the Empire with the aforesaid Lords States; and the aforesaid Lords States similarly obligate themselves reciprocally to do the same, and this shall be followed by his Imperial Majesty's confirmation within a period of two months and by that of the Empire within a year after the conclusion and ratification of the present treaty.

LVIII

No new fortresses may be constructed in the Netherlands on either side, nor new canals dug which may interfere with or cause damage to the other side.

LXIII

All prisoners of war shall be released by both sides without payment of any ransom and without distinction or reservation concerning prisoners who served outside the Netherlands and under other standards and flags than those of the Lords States.

LXXV

And to the end that the present treaty be better maintained, the aforesaid Lords King and States promise mutually to assist each other and employ their might and means within their own territories to keep passage free and the seas and rivers navigable and safe against the incursions of mutineers, sea pirates, corsairs, and marauders, and if they catch them, to punish them rigorously.

[After the signatures of the plenipotentiaries of both sides, the treaty includes a special article on trade and shipping between the two countries, as affected by the continuing war between Spain and France.]