

A short exposition of the rights exercised by the knights, nobles and towns of Holland and West Friesland from time immemorial for the maintenance of the freedoms, rights, privileges and laudable customs of the country, October 16, 1587

Introduction: This document, written by Francis Vranck, pensionary of the town of Gouda, explains the view of the States of Holland on the problem of sovereignty in the Netherlands. After the Earl of Leicester returned to England in late 1586, the States of the Netherlands in revolt against Spain became a *de facto* confederated Republic and were recognized as such by England and France in 1588. The text is from E.H. Kossmann and A.F. Mellink, eds., *Texts Concerning the Revolt of The Netherlands*, Cambridge, Cambridge University Press, 1974, pp. 274-81.

After previous discussions among the nobles and in the town-councils about the current state of these provinces and after receiving reports of their opinions, the knights, nobles and towns of Holland and West Friesland, [that is to say: the States] well and gravely representing the estates of this country, have considered it necessary, in accordance with their oath and duty, to make clear in the present document the constitutional position of Holland and West Friesland, firmly convinced that every one reading this will judge it in the impartial and conciliatory spirit which is required in the sad state of these provinces.

It is well-known that for 800 years the countries of Holland, West Friesland and Zeeland have been governed by counts and countesses to whom the rule and sovereignty over these countries was legally entrusted and granted by the knights, nobles and towns, representing the estates of the country. [This is of course an historical myth. In fact the States originated in the fourteenth century when nobles and towns were first summoned with some regularity. However, Vranck's thesis met with unanimous approval and became a dogma in Dutch political thought.] They displayed such great discretion and moderation in their government, that they never decided to declare war or make peace, levy taxes or contributions on the countries, or take any other measures concerning the, state of the country (although as a rule they received good counsel from the nobles and natives of the country) without hearing the opinion and obtaining the consent of the nobles and towns of the country who were on all such occasions convoked and assembled for that purpose. But apart from asking for advice themselves, they were always prepared to listen to the nobles and towns of the country, to grant them complete faith and to

pass wise resolutions on all suggestions concerning the state and welfare of the country "Which the States put forward.

This form of government was perfectly legal; it was in no respect less solidly founded in law than other systems. It produced results which did singular credit to the counts and were beneficial to the countries and their inhabitants. And, above all, it caused the counts of Holland, Zeeland and Friesland to be held in exceptional honour and respect by all the princes and rulers of Christendom even though they only ruled a small country, as is shown by the marriage treaties which they concluded with almost all the most powerful Christian dynasties and by the election of William II of Holland as German Emperor in 1247. Still more important was the fact that thanks to this form of government the counts were nearly always victorious over their enemies and able to defend their frontiers against even (the most powerful foes - this added much to the respect in which they were held by their neighbours. We may in truth say that in 800 years the state of Holland and Zeeland was never conquered by the sword or brought into subjugation as a result of foreign or civil wars. We doubt whether this can now be said of any other country except Venice. The only reason which can be provided is that there was always unity, love and understanding between the princes and the States of the country because the princes who had no power in their own right were totally dependent on the nobles and the towns of the state and had no ordinary means except revenue from their own domains to meet the costs of the court and the salaries of the ordinary officers.

We also observe that if to the detriment of the country the princes followed bad advice the States had the authority to make them accept again the norms of right and reason, not only by means of remonstrances and supplications but also by severely punishing those who injured the prince's authority or used it improperly. There are many examples of this.

It is also clear that the States of these countries had the task of appointing legal guardians or *gardenobles* on behalf of princes under age; this happened, too, when Count William V became insane [in 1358].

And finally there can be no doubt that when the countries were not enjoying lawful government by their princes because these were absent, under age, insane, involved in conflict with the country, or for any other reason unable to rule, it was always the States which

legitimately assumed the administration of the countries' sovereignty. For this reason they often elected a ruler called 'guardian' or 'regent'. This happened even when the House of Burgundy was ruling the country, for example after the death of Duke Charles and his daughter Mary, when the regent, Maximilian, brought the whole state into terrible danger by forcefully opposing the authority of the States. [Charles the Bold died in 1477, Mary in 1482. Her son Phillip was only three years old. The States general recognized her husband, Maxmillian of Austria, as regent, who soon came into serious conflict with the provinces.] And when the Emperor Charles V himself was under age the States also appointed guardians and good rulers on his behalf. Although this freedom was in many respects much reduced under the House of Burgundy, Charles V himself always held the States of the country in great respect because he realised that his position could only thus be made secure. He repeatedly admonished and strongly advised his son, the king of Spain, to act as considerately and discreetly as he had, declaring that Philip would greatly endanger his state as soon as he started to treat the States with disrespect. The king has been able to discover to his own and the country's detriment how right his father was. For, whatever one may say, the only reason for this war was that with the help of Spanish and other foreign soldiers the king wanted to compel these lands, represented, by the States, to do things of which they did not approve.

Although we are sure that all this is beyond dispute we have considered it necessary to relate it here because many people are uncertain or mistaken in their opinion about it. Some judge the assembly of the States only according to the merits of the people who take part in the meetings or of the matters discussed there. Apparently they are under the impression that the said people, who are sent by the nobles and the towns to the meetings of the States, act as if they were themselves the States and are therefore personally in possession of the sovereignty and highest power in the country and decide upon all matters concerning the state of the country according to their own discretion. The consequence of this is that the members of the States are personally blamed and hated for all the actions of the assembly. However, people who look more closely at the facts mentioned above as well as at other important things accomplished by the princes of this country with the help of the States, and who consider especially what has happened in Holland, Westfriesland and Zeeland during the last fifteen years, will soon realise that the

authority of the States is not identical with the authority or power of about thirty or forty persons who appear at their meetings. Even the agents of the king of Spain who have always sought to undermine our affairs and to bring the authority of the States into discredit by such arguments, have now learned through experience how gravely they were misled.

To ascertain the origin of the authority of the States, we must realize that all the princes, who ruled these countries legitimately, received their power from the inhabitants and needed their consent and approval before starting to rule; and after that they continued to govern in such a way that all members of the assemblies remained inviolate, with powers unabridged and uncurtailed. Since princes are easily circumvented by roguish and ambitious people, this would not have been possible had the inhabitants not always possessed the means to oppose evil practices in an orderly and responsible manner. Not only were they able to keep the prince mindful of his duty to maintain their freedom and prosperity in the name of all members, but they could also oppose him with the means at their disposal, should he be misled into perpetrating an act of tyranny. To this end the inhabitants of these provinces were divided into two orders or estates, to wit, the nobles and the towns.

The nobles form one 'member' of the States by virtue of the dignity of their birth (which is without exaggeration as respectable and old as might be found in any country) and because of the seigniories they have in these provinces and which usually include high, middle and low jurisdiction. On every occasion they deliberate with each other on the state of the country and they appear in the assembly to give their opinion on all matters under discussion; the deputies of the towns do the same.

The government of most of the towns consists of a board of councillors, chosen from the most prominent citizens. These number in some towns forty, in others thirty-six, in others thirty-two, twenty-eight, twenty-four or twenty persons. These boards must be as old as the towns, as no one remembers their origin. [In fact, the closed town-councils described here came into existence in Holland only under Burgundian rule in the 15th century]. Once chosen the councillors serve as long as they live and possess burgher rights. When someone dies or leaves the town, the board chooses a new member from among the citizens to make up their number. These boards alone have the power to resolve upon all matters affecting the state

respectively of the province and the town, and the citizens accept their decisions as binding for they have never infringed or opposed these decisions.

Yearly the boards elect the ordinary magistrates, to wit, four, three or two burgomasters and seven or more aldermen, to serve for one year. In some towns the boards can elect the candidates directly,⁷ in others they draw up lists of recommended candidates, and from these the stadholder chooses the required number. The burgomasters are responsible for all ordinary political affairs including both the administration of the town's property and revenue and its prosperity and safety. The boards of aldermen control the administration of justice in criminal as well as civil cases, and possess and exercise all high, middle and low jurisdiction.

These boards of magistrates, all organised in approximately the same manner, rule the towns of Holland, West Friesland and Zeeland absolutely, that is to say, without any interference from the princes of the countries. The prince does not take any part in the government of the towns except in appointing an officer [the bailiff] to act as chairman of the law court. This is briefly the true state of the government of the towns of Holland and Zeeland.

From this it is clear that these boards of town magistrates and councillors, together with the corporation of nobles, undoubtedly represent the whole state and the whole body of the inhabitants, and no form of government could be imagined in which decisions could be taken with a better knowledge of the situation of the country or carried out with greater unanimity, authority or effect. It is therefore not surprising that the state of these provinces has not been subject to change and has remained as constant as a state can be. The corporations of the nobles and the towns can only be brought together into one assembly through deputation. Thus when it becomes necessary to assemble the States to discuss important questions, the meeting is convened in a letter which mentions the principal points for deliberation. These points are then discussed among the nobles and in the town-councils and when a conclusion has been reached, trustworthy delegates are sent to the meeting of the States with such instructions and resolutions as they consider to be in the interest of the country.

As many nobles as think fitting appear [a decree of 1581 required at least three to be present] and the towns send a burgomaster with as many councillors as they consider necessary. During the war, when problems arise in rapid succession, the delegates have always received a

general charge to take the decision which they consider most conducive to the good and safety of the country, and, in particular, to maintain the rights, freedoms and privileges of the country and to oppose every violation of these. And these delegates acting in this way in union with each other represent the estates of this country. They are not the States in person or in their own right. They are the States only by virtue of the commission of their constituents. There is no reason to suppose that any one would obtain such a commission by pushing himself forward out of ambition, for apart from the fact that this people is by nature averse to such ambition and hostile to all ambitious men, it is obvious that such behaviour is impossible in so free an election. Moreover, it is highly unlikely that any one should desire, in the distress which it has pleased God Almighty to bring upon the provinces, to concern himself with affairs of state. It is an activity which brings no profit, but only trouble, enmity and the hatred of the enemies of our cause who often falsely slandered even the most qualified and loyal servants of the country. Therefore the acceptance of these commissions has to be classed *inter munera necessaria* [among the obligatory commissions], and all those who have taken any part at all in the government of these countries can bear witness as to the difficulties which have arisen and the constraints used to persuade people who have already served or who are invited to serve to accept the commission with which they are charged.

These delegates must truthfully report on all matters to their constituents after their return.

This is the basis of the government of the countries of Holland, West Friesland and Zeeland. On this foundation these countries have been grounded for the last five, six or seven hundred years, as far as the oldest records go. It is this, that with the help of Almighty God, has in this dangerous war made them hold out against such a powerful enemy with courage and unity, so that during the war no member of these provinces has ever been torn from us except by main force, and the inhabitants have never been seditious nor the soldiers mutinous in the provinces of Holland and Zeeland. We think this is due only, as well as to the help of Almighty God, to the straightforward, frank, grave and open way in which everything has been done. For that purpose small towns, even those which did not before send representatives to the assembly of the States were granted, if they so desired, free session and a vote in the assembly of the States

[Only six large towns—Dordrecht, Haarlem, Delft, Leiden, Amsterdam and Gouda—were convoked; after the Revolt twelve smaller towns joined them.] Thus every one might have knowledge of the conduct of the common affairs of state and could therefore shoulder willingly the burdens (which would otherwise seem unbearable) and maintain unbroken unity. For the same reason the nobles and towns are free to send to the meeting of the States as many delegates as they think fit, but not, of course, persons who according to the provincial privileges are ineligible.

If there should be proof that there are among the nobles or among the delegates of the towns people who acted contrary to the regulations or to their mandate and commission (though we do not know of such cases), they would be obliged to account for their action to their constituents whenever required. And if they omitted to do so, they would be liable to punishment. People who in good faith strive to reveal such things we regard as true patriots.

However those who defame the States of the country, treating the States with contempt and pouring scorn on their actions, are greatly mistaken if they think that they have to deal with nobles or delegates of the towns as private persons, unless they can prove that the men whom they criticise acted without mandate or exceeded their commissions. Many of course make this mistake because they are ignorant and simple, and one should not blame them too much. But people who slander the States in such a way although knowing full well that they are wrong in not distinguishing between the assembly of the States and the persons of the delegates, are obviously enemies of these provinces, and intend to undermine the foundations of the house so that it shall fall.

This pertains to the prince as well as to the commonalty. For what power has a prince if he is not on good terms with his subjects? What kind of relations will he have with them, what support will he obtain from them if he lets himself be persuaded to take sides against the States which represent the commonalty or, properly speaking, against his very own people? Also, how can the country survive, if the commonalty lets itself be persuaded to take sides against the States, that is, against the nobles, magistrates and town-councillors, who are their protectors and lawful rulers and who for their attempts to support the commonalty often personally incur the ingratitude of the princes and governors? For this reason it is obvious to all wise people that the

commonwealth can have no greater, more harmful or more mortal enemies than those who in a general way oppose the States of the country. By this we do not mean people who are able to prove that some particular member of the States exceeded the commission given by his constituents or otherwise gave offence. Thus it should be understood that if people declare that the sovereignty of the provinces resides with the States, they are not speaking about private persons or delegates, but about the constituents, that is, the nobles and towns of the country whom the members of the States represent by virtue of their commission. Many princes and rulers have understood this as did Her Majesty of England when negotiating with the States General, and His Excellency when he received his commission as Governor-General from them. [The reference is to the Treaty of Nonesuch with Queen Elizabeth in August 1585. In January 1586 the States General appointed the earl of Leicester as Governor-General.] It is a truth that no one in the world can contravene.

We do not think there is any reason for any one to believe that this can be understood in any other way than that in which we here interpret it; else the conclusion would be that the nobles, magistrates and town councils have no longer the same power to exercise sovereignty as they had formerly (as we have proved above) and which they possessed when treating with Her Majesty and constituting the government of His Excellency. In that case not only the validity of the treaties with Her Majesty and the commission and government of His Excellency but everything that the States have done for their defence these past fifteen years [since their meeting of July 19, 1572] would be called into question. This can only be the work of enemies of the countries.

We therefore think it has been conclusively proved that the authority of the States must be conserved as the keystone on which the commonwealth rests. This cannot be damaged without ruining the state. It is, we declare, certain that the sovereignty of the country resides with the States and that the States are now no less sovereign than under the rule of the former princes.