

Charter of the Dutch West India Company : 1621

JUNE 3, 1621

The States-General of the United Netherlands, to all who shall see these Presents, or hear them read, Greeting.

Be it known, that we knowing the prosperity of these countries, and the welfare of their inhabitants depends principally on navigation and trade, which in all former times by the said Countries were carried on happily, and with a great blessing to all countries and kingdoms; and desiring that the aforesaid inhabitants should not only be preserved in their former navigation, traffic, and trade, but also that their trade may be increased as much as possible in special conformity to the treaties, alliances, leagues and covenants for traffic and navigation formerly made with other princes, republics and people, which we give them to understand must be in. all parts punctually kept and adhered to: And we find by experience, that without the common help, assistance, and interposition of a General Company, the people designed from hence for those parts cannot be profitably protected and maintained in their great risque from pirates, extortion and otherwise, which will happen in so very long a voyage. We have, therefore, and for several other important reasons and considerations as thereunto moving, with mature deliberation of counsel, and for highly necessary causes, found it good, that the navigation, trade, and commerce, in the parts of the West-Indies, and Africa, and other places hereafter described, should not henceforth be carried on any otherwise than by the common united strength of the merchants and inhabitants of these countries; and for that end there shall be erected one General Company, which we out of special regard to their common well-being, and to keep and preserve the inhabitants of those places in good trade and welfare, will maintain and strengthen with our Help, Favour and assistance as far as the present state and condition of this Country will admit: and moreover furnish them with a proper Charter, and with the following Priveleges and Exemptions, to wit, That for the Term of four and twenty Years, none of the Natives or Inhabitants of these countries shall be permitted to sail to or from the said lands, or to traffic on the coast and countries of *Africa* from the *Tropic of Cancer* to the *Cape of Good Hope*, nor in the countries of *America*, or the West-Indies, beginning at the fourth end of *Terra Nova*, by the streights of *Magellan*, *La Maire*, or any other streights and passages situated thereabouts to the straights of *Anian*, as well on the north sea as the south sea, nor on any islands situated on the one side or the other, or between both; nor in the western or southern countries reaching, lying, and between both the meridians, from the Cape of Good Hope, in the East, to the east end of New Guinea, in the West, inclusive, but in the Name of this United Company of these United Netherlands. And whoever shall presume without the consent of this Company, to sail or to traffic in any of the Places within the aforesaid Limits granted to this Company, he shall forfeit the ships and the goods which shall be found for sale upon the aforesaid coasts and lands; the which being actually seized by the aforesaid Company, shall be by them kept for their own Benefit and Behoof. And in case such ships or goods shall be sold either in other countries or havens they may touch at, the owners and partners must

be fined for the value of those ships and goods: Except only, that they who before the date of this charter, shall have sailed or been sent out of these or any other countries, to any of the aforesaid coasts, shall be able to continue their trade for the sale of their goods, and cosine back again, or otherwise, until the expiration of this charter, if they have had any before, and not longer: Provided, that after the first of July sixteen hundred and twenty one, the day and time of this charters commencing, no person shall be able to send any ships or goods to the places comprehended in this charter, although that before the date hereof, this Company was not finally incorporated: But shall provide therein as is becoming, against those who knowingly by fraud endeavour to frustrate our intention herein for the public good: Provided that the salt trade at *Ponte del Re* may be continued according to the conditions and instructions by us already given, or that may be given respecting it, any thing in this charter to the contrary notwithstanding.

II. That, moreover, the aforesaid Company may, in our name and authority, within the limits herein before prescribed, make contracts, engagements and alliances with the limits herein before prescribed, make contracts, engagements and alliances with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge Governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police and justice, and in like manner for the promoting of trade; and again, others in their place to put, as they from the situation of their affairs shall see fit: Moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require: and the Company shall successively communicate and transmit to us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situation of the fortresses, fortifications, and settlements by them taken.

III. Saving, that they having chosen a governor in chief, and prepared instructions for him, they shall be approved, and a commission given by us, And that further, such governor in chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to us and also to the Company.

IV. And if the aforesaid Company in and of the aforesaid places shall be cheated under the appearance of friendship, or badly treated, or shall suffer loss in trusting their money or Goods, without having restitution, or receiving payment for them, they may use the best methods in their power, according to the situation of their affairs, to obtain satisfaction.

V. And if it should be necessary for the establishment, security and defence of this trade, to take any troops with them, we will, according to the constitution of this country, and the situation of affairs furnish the said Company with such troops, provided they be paid and supported by the Company.

VI. Which troops, besides the oath already taken to us and to his excellency, shall swear to obey the commands of the said Company, and to endeavour to promote their interest to the utmost of their ability.

VII. That the provosts of the Company on shore may apprehend any of the military, that have enlisted in the service of the aforesaid company, and may confine them on board the ships in whatever city, place, or jurisdiction they may be found; provided, the provosts first inform the officers and magistrates of the cities and places where this happens.

VIII. That we will not take any ships, ordnance, or ammunition belonging to the company, for the use of this country, without the consent of the said company.

IX. We have moreover incorporated this company, and favoured them with privileges, and we give them a charter besides this, that they may pass freely with all their ships and goods without paying any toll to the United Provinces; and that they themselves may use their liberty in the same manner as the free inhabitants of the cities of this country enjoy their freedom, notwithstanding any person who is not free may be a member of this company.

X. That all the goods of this company during the eight next ensuing years, be carried out of this country to the parts of the West Indies and Africa, and other places comprehended within the aforesaid limits, and those which they shall bring into this country, shall be from outward and home convoys; provided, that if at the expiration of the aforesaid eight years, the state and situation of these Countries will not admit of this Freedom's continuing for a longer time, the said goods, and the merchandises coming from the places mentioned in this Charter, and exported again out of these countries, and the outward convoys and licenses, during the whole time of this Charter, shall not be rated higher by us than they have formerly been rated, unless we should be again engaged in a war, in which case, all the aforesaid goods and merchandises will not be rated higher by us than they were in the last list in time of war.

XI. And that this company may be strengthened by a good government, to the greatest profit and satisfaction of all concerned, we have ordained, that the said government shall be vested in five chambers of managers; one at Amsterdam, -this shall have the management of four-ninths parts; one chamber in Zealand, for two-ninth parts; one chamber at the Maeze, for one-ninth part; one chamber in North Holland, for one-ninth-part; and the fifth chamber in Friesland, with the city and country, for one-ninth part; upon the condition entered in the record of our resolutions, and the Act past respecting it. And the Provinces in which there are no chambers shall be accommodated with so many managers, divided among the respective chambers, as their hundred thousand guilders in this company shall entitle them to.

XII. That the chamber of Amsterdam shall consist of twenty managers; the chamber of Zealand of twelve; the chambers of Maeze and of the North Part, each of fourteen, and the chamber of Friesland, with the city and country, also of fourteen managers; if it shall hereafter appear, that this work cannot be carried on without a greater number of persons; in that case, more may be added, with the knowledge of nineteen, and our approbation, but not otherwise

XIII. And the States of the respective United Provinces are authorized, to lay before their High Mightinesses' ordinary deputies, or before the magistrates of the cities of these Provinces, any order for registering the members, together with the election of managers, if they find they can do it according to the constitution of their Provinces. Moreover, that no person in the chamber of Amsterdam shall be chosen a manager who has not of his own in the fields of the company, the sum of five thousand guilders; and the Chamber of Zealand four thousand Builders, and the chamber of Maeze, of the North Part, and of Friesland, with the city and country. the like sum of four thousand guilders.

XIV. That the first managers shall serve for the term of six years, and then one-third part of the number of managers shall be changed by lot; and two years after a like third part, and the two next following years, the last third part; and so on successively the oldest in the service shall be dismissed; and in the place of those who go off, or of any that shall die, or for any other reason be dismissed, three others shall be nominated by the managers, both remaining and going oaf, together with the principal adventures in person, and at their cost, from which the aforesaid Provinces, the deputies, or the magistrates, shall make a new election of a manager, and successively supply the vacant places; and it shall be held before the principal adventurers, who have as great a concern as the respective managers.

XV. That the accounts of the furniture and outfit of the vessels, with their dependencies, shall be made up three months after the departure of the vessels, and one month after, copies shall be sent to to us, and to the respective chambers: and the state of the returns, and their sales, shall the chambers (as often as we see good, or they are required thereto by the chambers) send to us and to one another.

XVI. That evry six years they shall make a general account of all outfits and returns, together with all the gains and losses of the company; to wit, one of their business, and one of the war, each separate; which accounts shall be made public by an advertisement, to the end that every one who is interested may, upon hearing of it, attend; and if by the expiration of the seventh year, the accounts are not made out in manner aforesaid, the managers shall forfeit their commissions, which shall be appropriated to the use of the poor, and they themselves be held to render their account as before, till such time and under such penalty as shall be fixed by us respecting offenders. And notwithstanding there shall be a dividend made of the profits of the business, so long as we find that term per Cent shall have been gained.

XVII. No one shall, during the continuance of this charter, withdraw his capital, or sum advanced? from this company; nor shall any new members be admitted. If at the expiration of four and twenty years it shall be found good to continue this company, or to erect a a new one, a final account and estimate shall be made by the nineteen, with our knowledge, of all that belongs to the company, and also of all their expences, and any one, after the aforesaid settlement and estimate, may withdraw his money, or continue it in the new company, in whole or in part, in the same proportion as in this; And the new company shall in such case take the remainder, and pay the members which do not think

fit to continue in the company their share, at such times as the nineteen, with our knowledge and approbation, shall think proper.

XVIII. That so often as it shall be necessary to have a general meeting of the aforesaid chambers, it shall be by nineteen persons, of whom eight shall come from the chamber of Amsterdam; from Zealand, four; from the Maeze, two; from North Holland, two; from Friesland, and the city and country, two, provided, that the nineteen persons, or so many more as we shall at any time think fit, shall be deputed by US for the purpose of helping to direct the aforesaid meeting of the company.

XIX. By which general meeting of the aforesaid chambers, all the business of this Company which shall come before them shall be managed and finally settled, provided, that in case of resolving upon a war, our approbation shall be asked.

XX. The aforesaid general meeting being summoned, it shall meet to resolve when they shall fit out, and how many vessels they will send to each place, the company in general observing that no particular chamber shall undertake any thing in opposition to the foregoing resolution, but shall be held to carry the same effectually into execution. And if any chamber shall be found not following the common resolution, or contravening it, we have authorized, and by these presents do authorize, the said meeting, immediately to cause reparation to be made of every defect or contravention, wherein we, being desired, will assist them.

XXI. The said general meeting shall be held the first six years in the city of Amsterdam, and two years thereafter in Zealand. and so on from time to time in the aforesaid two places.

XXII. The managers to whom the affairs of the company shall be committed, who shall go from home to attend the aforesaid meeting or otherwise, shall have for their expences and wages, four guilders a day, besides boat and carriage hire; Provided, that those who go from one city to another, to the chambers as managers and governors, shall receive no wages or travelling charges, at the cost of the company.

XXIII. And if it should happen that in the aforesaid general meeting, any weighty matter should come before them wherein they cannot agree, or in case the vote are equally divided, the same shall be left to our decision; and whatever shall be determined upon shall be carried into execution.

XXIV. And all the inhabitants of these countries, and also of other countries, shall be notified by public advertisements within one month after the date hereof, that they may be admitted into this Company, during five months from the first of July this year, sixteen hundred and twenty one, and that they must pay the money they put into the Stock in three payments; to wit, one third part at the expiration of the aforesaid five months, and the other two-thirds parts within three next succeeding years. In case the aforesaid general meeting shall find it necessary to prolong the time the members shall be notified by an advertisement.

XXV. The ships returning from a voyage shall come to the place they sailed from; and if by stress of weather. the vessels which sailed out from one part shall arrive in another; as those from Amsterdam, or North Holland, in Zealand, or in the Maeze; or from Zealand, in Holland; or those from Friesland, with the city and country, in another part; each chamber shall nevertheless have the direction and management of the vessels and goods it sent out, and shall send and transport the goods to the places from whence the vessels sailed, either in the same or other vessels: Provided, that the managers of that chamber shall be held in person to find the place where the vessels and goods are arrived, and not appoint factors to do this business; but in case they shall not be in a situation for travelling, they shall commit this business to the chamber of the place where the vessels arrived.

XXVI. If any chamber has got any goods or returns from the places included within the Limits of this charter, with which another is not provided, it shall be held to send such goods to the chamber which is unprovided, on its request, according to the situation of the case, and if they have sold them, to send to another chamber for more. And in like manner, if the managers of the respective chambers have need of any persons for fitting out the vessels, or otherwise, from the cities where there are chambers or managers, they shall require and employ the managers, of this company, without making use of a factor.

XXVII. And if any of the Provinces think fit to appoint an agent to collect the money from the inhabitants, and to make a fund in any chamber, and for paying dividends, the chamber shall be obliged to give such agent access, that he may obtain information of the state of the disbursements and receipts, and of the debts; provided, that the money brought in by such agent amount to fifty thousand builders or upwards.

XXVIII. The managers shall have for commissions one per cent. On the outfits and returns, besides the Prince's; and an half per cent. On gold and silver: which commission shall be divided; to the Chamber of Amsterdam, four-ninth parts; the Chamber of Zealand, two-ninth parts; the Maeze, one-ninth part; North Holland, one-ninth part, and Friesland, with the city and country, a like ninth part.

XXIX. Provided that they shall not receive commissions on the ordnance and the ships more than once. They shall, moreover, have no commissions on the ships, ordnance, and other things with which we shall strengthn the Company; nor on the money which they shall collect for the Company, nor on the profits they receive from the goods, nor shall they charge the Company with any expenses of traveling or provisions for those to whom they shall commits the providing a cargo, and purchasing goods necessary for it.

XXX. The book-keepers and cashiers shall have a salary paid them by the managers out of their commissions.

XXXI. The manager shall not deliver or sell to the Company, in whole or in part, any of their own ships, merchandise or goods; nor buy or cause to be bought, of the said Company, directly or indirectly, any goods or merchandize nor have any portion or part

therein on forfeiture of one year's commissions for the use of the poor, and the loss of Office.

XXXII. The managers shall give notice by advertisement, as often as they have a fresh importation of goods and merchandize, to the end that every one may have seasonable knowledge of it, before they proceed to a final sale.

XXXIII. And if it happens that in either Chamber, an of the managers shall get into such a situation, that he cannot make good what was entrusted to him during his administration, and in consequence thereof any loss shall happen, such Chamber shall be liable for the damage, and shall also be specially bound for their administration, which shall also be the case with all the members, who, on account of goods purchased, or otherwise, shall become debtors to the Company, and so shall be reckoned all cases relating to their stock and what may be due to the Company.

XXXIV. The managers of the respective chambers shall be responsible for their respective cashiers and book-keepers.

XXXV. That all the goods of this Company which shall be sold by weight shall be sold by one weight, to wit, that of Amsterdam; and that all such goods shall be put on board ship, or in store without paying any excise, import or weigh-money; provided that they being sold; shall not be delivered in any other way than by weight; and provided that the impost and weigh-money shall be paid as often as they are alienated, in the same manner as other goods subject to weigh-money.

XXXVI. That the persons or goods of the managers shall not be arrested, attached or encumbered, in order to obtain from them an account of the administration of the Company, nor for the payment of the wages of those who are in the service of the Company, but those who shall pretend to take the same upon them, shall be bound to refer the matter to their ordinary judges.

XXXVII. So when any ship shall return from a voyage, the generals or commanders of the fleets, shall be obliged to come and report to us the success of the voyage of such ship or ships, within ten days after their arrival, and shall deliver and leave with us a report in writing, if the case requires it.

XXXVIII. And if it happens (which we by no means expect) that any person will, in any manner, hurt or hinder the navigation, business, trade, or traffic of this Company, contrary to the common right, and the contents of the aforesaid treaties, leagues, and covenants, they shall defend it against them, and regulate it by the instructions we have given concerning it.

XXXIX. We have moreover promised and do promise, that we will defend this Company against every person in free navigation and traffic, and assist them with a million of Builders, to be paid in five years, whereof the first two hundred thousand guilders shall be paid them when the first payment shall be made by the members; Provided that we,

with half the aforesaid million of Builders, shall receive and bear profit and risque in the same manner as the other members of this Company shall.

XL. And if by a violent and continued interruption of the aforesaid navigation and traffic, the business within the limits of their Company shall be brought to an open war, we will, if the situation of this country will in any wise admit of it, give them for their assistance sixteen ships of war, the least one hundred and fifty lasts burthen; with four good well sailing yachts, the least, forty lasts burthen, which shall be properly mounted and provided in all respects, both with brass and other cannon, and a proper quantity of ammunition, together with double suits of running and standing rigging, sails, cables, anchors, and other things thereto belonging, such as are proper to be provided and used in all great expeditions; upon condition, that they shall be manned, victualled, and supported at the expense of the Company, and that the Company shall be obliged to add thereto sixteen like ships of war, and four yachts, mounted and provided as above, to be used in like manner for the defence of trade and all exploits of war: Provided that all the ships of war and merchant-men (that shall be with those provided and manned as aforesaid) shall be under an admiral appointed by us according to the previous advise of the aforesaid General Company, and shall obey our commands, together with the resolutions of the Company, if it shall be necessary, in the same manner as in time of war; so notwithstanding that the merchantmen shall not unnecessarily hazard their lading.

XLI. And if it should happen that this country should be remarkably eased of its burthens, and that this Company should be laid under the grievous burthen of a war, we have further promised, and do promise, to increase the aforesaid subsidy in such a manner as the situation of these countries will admit, and the affairs of the Company shall require.

XLII. We have moreover ordained, that in case of a war, all the prizes which shall be taken from enemies and pirates within the aforesaid limits, by the Company or their assistants; also the goods which shall be seized by virtue of our proclamation, after deducting all expenses and the damage which the Company shall suffer in taking each prize, together with the just part of his excellency the admiral, agreeable to our resolution of the first of April sixteen hundred and two; and the tenth part for the officers, sailors and soldiers, who have taken the prize, shall await the disposal of the managers of the aforesaid Company; Provided that the account of them shall be kept separate and apart from the account of trade and commerce; and that the nett proceeds of the said prizes shall be employed in fitting our ships, paying the troops, fortifications, garrisons, and like matters of war and defence by sea and land; but there shall be no distribution unless the said nett proceeds shall amount to so much that a notable share may be distributed without weakening the said defence, and after paying the expenses of the war, which shall be done separate and apart from the distributions on account of Trade: And the distribution shall be made one-tenth part for the use of the United Netherlands, and the remainder for the members of this Company, in exact proportion to the capital they have advanced.

XLIII. Provided nevertheless, that all the prizes and goods, taken by virtue of our proclamation, shall be brought in, and the right laid before the judicature of the

counsellors of the admiralty for the part to which they are brought, that they may take cognizance of them, and determine the legality or illegality of the said prizes: the process of the administration of the goods brought in by the Company remaining nevertheless pending, and that under a proper inventory; and saving a revision of what may be done by the sentence of the admiralty, agreeable to the instruction given the admiralty in that behalf. Provided that the vendue-masters and other officers of the Admiralty shall not have or pretend to any right to the prizes taken by this Company, and shall not be employed respecting them.

XLIV. The managers of this Company shall solemnly promise and swear, that they will act well and faithfully in their administration, and make good and just accounts of their trade: That they in all things will consult the greatest profit of the Company, and as much as possible prevent their meeting with losses: That they will not give the principal members any greater advantage in the payments or distribution of money than the least: That they, in getting in and receiving outstanding debts, will not favour one more than another: that they for their own account will take, and, during the continuance of their administration, will continue to take such sum of money as by their charter is allotted to them; and moreover, that they will, as far as concerns them, to the utmost of their power, observe and keep, and cause to be observed and kept, all and every the particulars and articles herein contained.

XLV. All which privileges, freedoms and exemptions, together with the assistance herein before mentioned, in all their particulars and articles, we have, with full knowledge of the business, given, granted, promised and agreed to the- aforesaid Company; giving, granting, agreeing and promising moreover that they shall enjoy them peaceably and freely; ordaining that the same shall be observed and kept by all the magistrates, officers and subjects of the United Nethelands, without doing anything contrary thereto directly or indirectly, either within or out of these Netherlands, on penalty of being punished both in life and goods as obstacles to the common welfare of this country, and transgressors of our ordinance: promising moreover that we will maintain and establish the Company in the things contained in this charter, in all treaties of peace, alliances and agreements with the neighboring princes, kingdoms and countries, without doing anything, or suffering any thing to be done which will weaken their establishment. Charging and expressly commanding all governors, justices, officers, magistrates and inhabitants of the aforesaid United Netherlands, that they permit the aforesaid Company and managers peaceably and freely to enjoy the full effect of this charter, agreement, and privilege, without any contradiction or impeachment to the-contrary. And that none may pretend ignorance hereof, we command that the contents of this charter shall be notified by publication, or an advertisement, where, and in such manner, as is proper; for we have found it necessary for the service of this country.

Given under our Great Seal, and the Signature and Seal of our Recorder, at the Hague, on the third day of the month of June, in the year sixteen hundred and twenty one.

Was countersigned

J. MAGNUS, Secr.

Underneath was written,

The ordinance of the High and Mighty Lords the States General.

It was subscribed,

C. AERSSEN.

And has a Seal pendant, of red Wax, and a string of white silk.