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THE AMERICAN REVOLUTION, VOL. 10 ***

THE
DIPLOMATIC CORRESPONDENCE
OF THE
AMERICAN REVOLUTION.
VOL. X.

THE
DIPLOMATIC CORRESPONDENCE
OF THE
AMERICAN REVOLUTION;

BEING

THE LETTERS OF BENJAMIN FRANKLIN, SILAS DEANE,
JOHN ADAMS, JOHN JAY, ARTHUR LEE, WILLIAM LEE,
RALPH IZARD, FRANCIS DANA, WILLIAM CARMICHAEL,
HENRY LAURENS, JOHN LAURENS, M. DE LAFAYETTE,
M. DUMAS, AND OTHERS, CONCERNING THE FOREIGN
RELATIONS OF THE UNITED STATES DURING THE
WHOLE REVOLUTION;

TOGETHER WITH

THE LETTERS IN REPLY FROM THE SECRET
COMMITTEE OF CONGRESS, AND THE SECRETARY OF
FOREIGN AFFAIRS.

ALSO,

THE ENTIRE CORRESPONDENCE OF THE FRENCH
MINISTERS, GERARD AND LUZERNE, WITH
CONGRESS.

Published under the Direction of the President of the
United States, from the original Manuscripts in the
Department of State, conformably to a Resolution of
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BY JARED SPARKS.

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THE

CORRESPONDENCE

OF

GEN. LAFAYETTE;

ON THE FOREIGN AFFAIRS OF THE UNITED STATES.

Although the services of GENERAL LAFAYETTE to the United States were rendered chiefly in the

military line, yet he contributed very essentially by his efforts, and the weight of his personal character, to promote the interests of our foreign relations. When he left the United States at the close of the year 1781, Congress instructed the American Ministers abroad to consult him on the public affairs of the United States. His correspondence with Congress, now to be published, will show how effectually he executed his trust in this respect, and how deeply and constantly he watched over the interests of his adopted country, long after his return to Europe. These letters are a testimony not more of his patriotism, love of liberty, the warmth of his affections, and the fulness of his gratitude, than of his close observation, correct opinions, and enlarged views on political affairs.

THE

CORRESPONDENCE

OF

GENERAL LAFAYETTE .

RESOLVE OF CONGRESS RESPECTING GENERAL LAFAYETTE.

In Congress, November 23d, 1781.

On the report of a Committee, consisting of Mr Carroll, Mr Madison, and Mr Cornell, to whom was referred a letter of the 22d, from Major-General the Marquis de Lafayette,

Resolved, That Major-General the Marquis de Lafayette, have permission to go to France; and that he return at such time as shall be most convenient to him.

That he be informed, that on a review of his conduct throughout the past campaign, and particularly during the period in which he had the chief command in Virginia, the many new proofs, which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry, and address in its defence, have greatly added to the high opinion entertained by Congress of his merits and military talents.

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superior in numbers, have been beheld by Congress with particular satisfaction and approbation.

That the Secretary of Foreign Affairs acquaint the Ministers Plenipotentiary of the United States, that it is the desire of Congress that they should confer with the Marquis de Lafayette, and avail themselves of his information relative to the situation of public affairs in the United States.

That the Secretary of Foreign Affairs further acquaint the Minister Plenipotentiary at the Court of Versailles, that he will conform to the intention of Congress by consulting with, and employing the assistance of the Marquis de Lafayette, in accelerating the supplies, which may be afforded by his Most Christian Majesty for the use of the United States.

That the Superintendent of Finance, the Secretary for Foreign Affairs, and the Board of War, make such communication to the Marquis de Lafayette, touching the affairs of their respective departments, as will best enable him to fulfil the purpose of the two resolutions immediately preceding.

That the Superintendent of Finance take order for discharging the engagement entered into by the Marquis de Lafayette with the merchants of Baltimore referred to in the act of the 24th of May last.

That the Superintendent of Finance furnish the Marquis de Lafayette with a proper conveyance to France.

That the Secretary of Foreign Affairs report a letter to his Most Christian Majesty, to be sent by the Marquis de Lafayette.^[1]

FOOTNOTE:

[1] Extract of a letter from Congress to the King of France, dated November 29th, 1781.

"Major-General the Marquis de Lafayette, has in this campaign so greatly added to the reputation he had before acquired, that we are desirous to obtain for him, on our behalf even, notice, in addition to that favorable reception, which his merits cannot fail to meet with from a generous and enlightened Sovereign; and, in that view, we have directed our Minister Plenipotentiary to present the Marquis to your Majesty."

TO ROBERT R. LIVINGSTON.

Antony, near Paris, March 30th, 1782.

Dear Sir,

I have been honored with your letter by the Hermione, and have made the best use I could of the intelligence you were pleased to communicate. The sailing of the Alliance was unexpected, and I could not improve that opportunity. This letter will be carried by a vessel that is immediately despatched. I shall soon have an opportunity to write by a frigate. Dr Franklin, whom I have acquainted with the departure of this vessel, has no doubt communicated very important intelligence. Mahon has been taken rather sooner than was expected; the siege of Gibraltar is going on, and some do not consider it impossible that it should fall into the hands of the Spaniards. The taking of St Kitts was felt in England; the more so, as Sir Samuel Hood had given great expectations of preserving the Island.

There is a great deal of confusion in England, which their late resolutions clearly prove; many think the loss of the majority is a *finesse* of Lord North; but from later advices it appears there will be a change of Ministers. The opposition members do not agree together, and none of them are true friends to America; none of them are wishing for independence; they want to make the best bargain they can, either with France, at the expense of America, or by satisfying America at the cheapest rate. By Mr Adams's letters I find Holland is about acknowledging American independence, as far as it will neither cost them blood nor money; but at this period I think it important to obtain such a political advantage.

I beg you will please to communicate the contents of my letter to Congress; as I do not enter into any particulars with the President. Accept the assurance of the high esteem and most affectionate sentiments with which I am, &c.

LAFAYETTE.

P. S. Since writing the above, we have just got certain intelligence that Lord North has left his place. It is generally believed he will be replaced by Lord Rockingham.

TO ROBERT R. LIVINGSTON.

St Germain, June 25th, 1782.

Dear Sir,

It is needless for me to enter into such details as will of course be communicated to Congress by the Minister. Dr Franklin will doubtless be very particular. But as Congress have been pleased to order that I should give my opinion, I now have the honor to tell you what I think upon the several transactions that have lately taken place.

Before the change of Ministry, the old Administration had sent people to feel the pulse of the French Court and of the American Ministers. They had reasons to be convinced that neither of the two could be deceived into separate arrangements, that would break the union and make both their enemies weaker. In the meanwhile, a cabal was going on against the old Ministry. New appointments took place, and it is not known how far Lord North would have gone towards a general negotiation.

It had ever been the plan of the opposition to become masters of the Cabinet. But while every one of them united against the Ministry, they committed this strange blunder, never to think what would become of them after their views had been fulfilled. They even made Ministers, and upon the same day they did not know how to divide the prey; upon the second they perceived that they had different interests and different principles to support; upon the third they were intriguing against each other. And now the British Ministry are so much divided, that nothing but their disputes can account for their indecision in public affairs.

The Marquis of Rockingham has nothing of a Minister, but the parade of levees, and a busy

appearance. He is led by Mr Burke. He is also upon the best terms with Charles Fox. The principles of the latter everybody knows. That party it appears is on one side of the Administration.

The Duke of Grafton and Lord Camden think it their interest to support Lord Shelburne, whom, however, they inwardly dislike. The Earl of Shelburne seems to have by far the greater share in the King's confidence. He is intriguing, and, upon a pretence to follow Lord Chatham's opinions, he makes himself agreeable to the King by opposing American independence. He is, they say, a faithless man, wishing for a continuation of the war, by which he hopes to raise his own importance; and, should the Rockingham party fall, should Lord Shelburne be found to divide power with another party, he is not far, it is said, from uniting with Lord North and many others in the old Administration.

10

The King stands alone, hating every one of his Ministers, grieving at every measure that combats his dispositions, and wishing for the moment when the present Ministry, having lost their popularity, will give way to those whom he has been obliged to abandon for a time.

Such is the position in which they stand, and I am going to relate the measures they have taken towards negotiation.

It appears Lord Shelburne, on the one hand, and Charles Fox on the other, went upon the plan which Lord North had adopted, to make some private advances, but they neither communicated their measures to each other, nor said at first anything of it in the Cabinet. Count de Vergennes said that France could never think to enter into a treaty, but in concurrence with her allies, and upon being told that America herself did not so much insist upon asking for independence, he answered, "people need not ask for what they have got." Mr Adams in Holland, and Dr Franklin in Paris, made such answers as were consistent with the dignity of the United States. But they as well as Count de Vergennes, expressed a sincere desire for peace, upon liberal and generous terms.

From the very beginning Mr Adams has been persuaded, that the British Ministry were not sincere—that the greater part of them were equally against America as any in the old Administration, and that all those negotiations were not much to be depended upon. His judgment of this affair has been confirmed by the events; though at present the negotiation has put on a better outward appearance.

11

Dr Franklin's pen is better able than mine can be, to give you all the particulars through which Mr Grenville, a young man of some rank, is now remaining in Paris, with powers to treat with his Most Christian Majesty, and all other Princes or States now at war with Great Britain.

I shall only remark, that in late conversations with Count de Vergennes, Mr Grenville has considered the acknowledgment of independence as a matter not to be made a question of, but to be at once and previously declared. But upon Count de Vergennes's writing down Mr Grenville's words to have them signed by him, the gentleman, instead of this expression, "the King of England has *resolved* at once to acknowledge," &c., insisted to have the words *is disposed* made use of in what he intended to be considered as his official communication. He has also evinced a backwardness in giving Dr Franklin a copy of his powers; and their Ministry are so backward also in bringing before Parliament a bill respecting American independence, that it does not show a great disposition towards a peace, the preliminaries of which must be an acknowledgment of America as a separate and independent nation.

It is probable that within these two days, Dr Franklin had some communication with Mr Grenville, which may throw some light upon the late points I have just now mentioned.

Mr Jay is arrived from Madrid. Mr Laurens, it seems, intends to return home. Mr Adams's presence in Holland is for the moment necessary. A few days will make us better acquainted with the views of Great Britain; and since the Ministers from Congress have thought that I ought for the service of America to remain here some time longer, I shall, under their direction devote myself to promote the interests of the United States. The footing I am upon at this Court enables me sometimes to go greater lengths than could be done by a foreigner. But unless an immediate earnest negotiation, which I am far from hoping, renders my services very useful, I will beg leave to return to my labors, and be employed in a shorter way to ensure the end of this business, than can be found in political dissertation.

12

I have communicated the opinion of Mr Adams, such as I found it in his letter. Dr Franklin's ideas will be presented by himself, and also those of Mr Jay, both of which must be preferable to mine, though I do not believe they much differ. But from what I have collected by communications with your Ministers, with those of the French, and by private intelligence, I conclude;

1st. That the British Ministry are at variance between themselves, embarrassed upon the conduct they ought to hold, and not firm in their principles and their places.

2dly. That negotiations will go on shortly, establish principles, and facilitate a treaty; but that the King of England and some of the Ministers, have not lost the idea of breaking the union between France and the United States.

3dly. That the situation of England, want of men and money, and the efforts France is about to

make, will reduce the former to a necessity for making peace before the end of next spring.

America will no doubt exert herself, and send back every emissary to her Plenipotentiaries here; for the Ministry in England are now deceiving the people with the hope that — is going to operate a reconciliation, and with many his — of the same nature. 13

In the course of this affair, we have been perfectly satisfied with the French Ministry. They have proved candid and moderate. Mr Jay will write about Spain. Very little is to be said of her, and by her very little is to be done. It appears Holland is going on well, and I believe Mr Adams is satisfied, except upon the affair of money, which is the difficult point, and goes on very slowly.

By all I can see, I judge that if America insists on a share in the fisheries, she will obtain it by the general treaty; this point is too near my heart to permit me not to mention it.

The news of Count de Grasse's defeat has been very much felt in France, and the whole nation was made truly unhappy by this disagreeable event. The general cry of the people was such, that I do not believe any French Admiral will, in any case take upon himself to surrender his own ship. The people at large have perhaps been too severe, and government have not pronounced, as there is to be a court martial. But I was happy to see a patriotic spirit diffused through every individual. The States of several Provinces, the great cities, and a number of different associations of men, have offered ships of the line to a greater number than have been lost. In the meanwhile, government are using the greatest activity, and this has given a spur to the national exertions. But independent of the stroke in itself, I have been sighing upon the ruin of the plans I had proposed towards a useful co-operation upon the coasts of America. My schemes have been made almost impracticable, and my voyage (the case of negotiations excepted) has not been so serviceable to the public, as I had good reasons to expect. 14

The Spaniards are going at last to besiege Gibraltar. Count d'Artois, the King of France's brother, and the Duc de Bourbon, a Prince of the blood, are just setting out to serve there as volunteers. They intend to begin in the first days of September; so that we may expect one way or other to get rid of that encumbrance, and let the siege succeed or miscarry, we may expect hereafter to make use of the combined forces of the House of Bourbon.

We are waiting for intelligence from the East Indies, where it appears we have got a superiority, and are entitled to expect good news from that quarter. The enemy had some despatches by land, but either our operations are of a later date, or they only have published a part of their intelligence.

Paris, June 29th. Dr Franklin and Mr Jay will acquaint you with Count de Vergennes's answer to Mr Grenville, and also with what Mr Grenville has said respecting the enabling act. This act and also the answer to Count de Vergennes, are every day expected in Paris, and the way in which both will be expressed may give us a pretty just idea upon the present intentions of the British Ministry. The only thing that remains for me to inform you of, is, that under the pretence of curiosity, admiration, or private affairs, England will probably send emissaries to America, who cannot hope to insinuate themselves under any other but a friendly appearance.

With the greatest regard, &c.

LAFAYETTE.

ROBERT R. LIVINGSTON TO M. DE LAFAYETTE.

15

Philadelphia, September 18th, 1782.

You should not, my Dear Sir, have been thus long without hearing from me, had I not persuaded myself, that I should see you before a letter could reach you. I still entertain this hope from a passage in Dr Franklin's letter, but have been in this often disappointed; I will not indulge it longer, so far as to let it arrest my pen.

The Count de Segur delivered me your letters of April. I thank you sincerely for having made him the bearer of them, since you know the eagerness with which I embrace your friends, even without taking into consideration, that merit which makes them so. The Count leaves town for the army today, so that I shall not have the full benefit of your introduction to him till next winter, when I flatter myself you will join our circle. The Prince de Broglio told me last night, that he had a letter from you to me. I expect to see him here this morning.

I cannot help remarking the just estimate you made of the British Ministry. Late events have fully justified it. They are made up of heterogeneous particles, and, as might naturally be expected, they begin to fly off from each other. You have nothing to apprehend from your adopted country. We are immovably fixed in our determination to adhere to our allies, in spite of every endeavor to change our sentiments. I am sorry that I have not leisure to enlarge. My horses wait to carry me to the banks of the Hudson, while I write; let me however inform you of the misfortune that has happened to Chevalier de Latouche; his frigate being pursued by the enemy was run on shore in the Delaware, and is lost. The gentlemen, his passengers, are however happily saved, together 16

with the money and papers. Everything else is lost, and what is most to be lamented, he himself must have fallen into the hands of the enemy. The flag that went to inquire his fate is not yet returned.

The fleet of the Marquis de Vaudreuil has also sustained a loss in the sinking of the *Magnifique*, in the harbor of Boston. Congress have endeavored to repair this, by presenting the *America* to his Majesty.

The troops from Virginia have joined those on the Hudson. Our army is in noble order at present; you will be charmed to see our countrymen well dressed, since you used to admire them even in their rags.

I send you the papers for a month back; they contain all our public news, and some particulars worthy your attention.

I am, my Dear Sir, &c.

ROBERT R. LIVINGSTON.

ROBERT R. LIVINGSTON TO M. DE LAFAYETTE.

Philadelphia, November 2d, 1782.

Dear Sir,

The confusion occasioned by the misfortune of the *Eagle*, and the delay that the gentlemen who saved their baggage experienced in getting here, prevented my receiving your favor of the 25th and 29th of July till the last of September, although I had acknowledged the receipt of the letters, by the same conveyance, much earlier.

Your letter contained so much important matter, that it was laid before Congress, for knowing it would be advantageous to you and place your assiduity and attention to their interests in its strongest point of light. I choose to consider most of yours as public letters; this last was particularly acceptable, as neither Dr Franklin nor Mr Jay had been so explicit, as we had reason to expect. Our system of politics has been so much the same for a long time, tending only to one point, a determination to support the war till we can make peace in conjunction with our allies, that the whole history of our Cabinet amounts to nothing more than a reiteration of the same sentiments in different language; and so plain is our political path, so steadily do we walk in it, that I can add nothing to what I have already written you on that subject.

The events of the campaign are as uninteresting; the inactivity and caution of the enemy have given us leisure to form the finest army this country ever saw, while they conspire to render that army useless for the present. The troops are gone into winter quarters; ours at Fishkill, West Point, and its vicinity; the French as far east as Hartford.

This day we are informed from New York, that fourteen sail of the line, one of forty guns, and seven frigates, sailed from thence on the 26th. We cannot learn that they had troops on board or under convoy.

The *Magnifique* is lost, I believe without hope of recovery. She will, however, be well replaced by the *America*, which all accounts concur in calling a fine ship. But unless your fleet is very considerably strengthened in those seas, another campaign may slip away as uselessly as the last; for I see no reason to suppose, while Lord Shelburne is at the head of Administration, that the negotiations for peace will wear a serious aspect. I believe with you, that his royal master is set upon risking everything, rather than acknowledge our independence, and as he possesses the art of seduction in a very eminent degree, it will require more firmness to resist his solicitations, than is generally found among courtiers. I am very much pleased to hear that the siege of Gibraltar is at last undertaken, with some prospects of success. This I sincerely wish. England has found in that single fortress a more powerful ally than any other she could make in Europe. It has for the most part employed the navy of Spain, and cost them five ships of the line.

You need feel no anxiety on the score of an apology for your absence; everybody here attributes it to its true cause, and considers it as a new proof of your attachment to the interests of America.

The papers I send with this will serve to confirm this assertion. I thank you for the acquaintance of the Prince de Broglie and the Count de Segur; they handed me your letters the day I was unfortunately obliged to leave town. They have, however, promised to be here this winter, and to give me an opportunity of consoling myself for your absence by the attention they will enable me to show to those you love. Your brother-in-law is gone I find to the siege of Gibraltar. I beg you to write particularly to remind him of his American friends. He shall hear from me by the first opportunity; in the meanwhile, tell him he will not do justice to our expectations if he neglects to promote the great object, which we discussed together a little before he left this country, foreseeing then that he would ere long be called to Spain. I ought not to conclude this without informing you, that the chair of state is transferred to Mr Boudinot, Mr Hanson's term having

expired.

I am, my Dear Sir, &c.

ROBERT R. LIVINGSTON.

TO THE PRESIDENT OF THE CONGRESS.

19

Brest, December 3d, 1782.

Dear Sir,

I have the honor to beg the attention of Congress upon a subject, which, though it appears personal, may bring about events of public utility.

On a past voyage I have had the happiness to return with such means as proved useful to the United States, and when I embarked last, I had a leave of absence till such a time as I would think proper.

What has been done respecting former demands of money, has been communicated to Congress. As to the late ones, I leave it to the Ministers of Congress to give an account of those transactions.

I have the heartfelt happiness to think, that I did not leave Versailles until I had, to the utmost, exerted every means in my power; and I wish they had been an aid to promote every view of Congress and every interest of the United States.

The Ministers of Congress in Europe have in former letters acquainted them with the request they made, that I should defer my departure to America. They thought I might serve her in the political field, and I yielded to their opinion.

Now, Sir, that I am going to embark, I have done it by their advice. Upon the voyage, the mode and the time of it, I have taken their opinion, and it has been, that I was acting consistent with the interests of America, and the instructions of General Washington. But I could not submit to think, that any member of Congress, might, from public report, imagine that I enlarge so far their permission, as to follow pursuits, that would not particularly promote the views of America; and as they do not choose being intruded upon with minute details of military plans, let it suffice to say, that I beg leave to refer them to the opinion of General Washington.

20

With a heart bound to America by every sentiment of a grateful, an everlasting, and, I may add, a patriotic love,

I have the honor to be, &c.

LAFAYETTE.

ROBERT R. LIVINGSTON TO M. DE LAFAYETTE.

Philadelphia, January 10th, 1783.

Dear Sir,

I was honored by yours of the 14th of October last. It contains much useful information, and upon the whole exhibits a pleasing picture of our affairs in Europe. Here the scene is more chequered with good and evil; the last I think predominates. The want of money has excited very serious discontents in the army. They have formed committees. A very respectable one, with General McDougal at their head, is now here. Their demands, though strictly just, are such as Congress have not the means of satisfying. The states upon whom they call, complain of inability. Peace is wished for with more anxiety than it should be; wearied out with the length of the war, the people will reluctantly submit to the burdens they bore at the beginning of it; in short, peace becomes necessary. If the war continues we shall lean heavier upon France than we have done. If peace is made she must add one obligation more to those she has already imposed. She must enable us to pay off our army; or we may find the reward of her exertions and ours suspended longer than we could wish.

21

Charleston is at length evacuated; the enemy made a convention with General Greene and were suffered to depart in peace. In one of the papers I send you, you will see the general orders at going off.

The embarkation of your army, before the war in this country had closed, gave me some pain. Their stay might have answered useful political purposes, had they been at hand to operate against New York, which they will not otherwise quit.

Congress saw this in its true light, but were too delicate to mention it; I enclose their resolutions on being apprized of it. You speak of operations in America. I agree with you, that they are devoutly to be wished, both by France and by us; but if they are to depend upon operations in the West Indies, it is ten to one but they fail. The machine is too complex. If it is to be worked in any part by Spanish springs, the chance against it is still greater, for whatever the latter may be in Europe, in the West Indies they lose their elasticity.

The great cause between Connecticut and Pennsylvania has been decided in favor of the latter. It is a singular event. There are few instances of independent States submitting their cause to a Court of Justice. The day will come, when all disputes in the great republic of Europe will be tried in the same way; and America be quoted to exemplify the wisdom of the measure.

22

Adieu my Dear Sir, continue to love this country, for though she owes you much, she will repay you all with interest, when in ages to come she records you with her patriots and heroes.

I have the honor to be, Dear Sir, with the sincerest esteem and regard, &c.

ROBERT R. LIVINGSTON.

TO WILLIAM CARMICHAEL, AT MADRID.

Cadiz, January 20th, 1783.

Dear Sir,

Your letter of the 14th has this day come to hand. The occasion of it I lament, but it becomes my duty to answer it.

From an early period, I had the happiness to rank among the foremost in the American revolution. In the affection and confidence of the people, I am proud to say, I have a great share. Congress honors me so far as to direct, that I am to be consulted by their European Ministers, which circumstances I do not mention out of vanity, but only to show, that in giving my opinion, I am called upon by dictates of honor and duty, which it becomes me to obey.

The measure being right, it is beneath me to wait for a private opportunity. Public concerns have a great weight with me, but nothing upon earth can intimidate me into selfish considerations. To my opinion you are entitled, and I offer it with the freedom of a heart that ever shall be independent.

To France you owe a great deal; to others you owe nothing. As a Frenchman, whose heart is glowing with patriotism, I enjoy the part France has acted, and the connexion she has made. As an American, I acknowledge the obligation, and in that I think true dignity consists; but dignity forbade our sending abroad political forlorn hopes, and I ever objected to the condescension; the more so, as a French treaty had secured their allies to you; and because America is more likely to receive advances, than to need throwing herself at other people's feet.

23

The particulars of the negotiation with Spain I do not dwell upon. In my opinion they were wrong, but I may be mistaken. Certain it is, that an exchange of Ministers ought to have been, and now an exchange of powers must be, upon equal footing. What England has done is nothing, either as to the right or the mode. The right consisted in the people's will, the mode depends upon a consciousness of American dignity. But if Spain has hitherto declined to acknowledge what the elder branch of the Bourbons thought honorable to declare, yet will it be too strange, that England ranks before her in the date and the benefits of the acknowledgment.

There are more powers than you know of, who are making advances to America; some of them I have personally received; but you easily guess that no treaty would be so pleasing as the one with Spain. The three natural enemies of Britain should be strongly united. The French alliance is everlasting, but such a treaty between the friends of France is a new tie of confidence and affection. The Spaniards are slow in their motions, but strong in their attachments. From a regard to them, but still more out of regard to France, we must have more patience with them than with any other nation in Europe.

24

But peace is likely to be made, and how then can the man, who advised against your going at all, propose your remaining at a Court where you are not decently treated? Congress, I hope, and through them the whole nation, do not intend their dignity to be trifled with, and, for my part, I have no inclination to betray the confidence of the American people. I expect peace, and I expect Spain to act by you with propriety; but should they hesitate to treat you as a public servant of the United States, then, however disagreeable the task, Mr Carmichael had better go to Paris where France may stand a mediator, and through that generous common friend, we may come to the wished for connexion with the Court of Spain.

With a high regard and sincere affection, &c.

LAFAYETTE.

TO ROBERT R. LIVINGSTON.

Cadiz, February 5th, 1783.

Dear Sir,

On the 7th of December, I had the honor to write to you from Brest, and my letters down to that date have contained accounts of our political affairs. Since which time, I have been taken up in preparations of a plan that would have turned out to the advantage of America; indeed, it exceeded my first expectations, and to my great surprise, the King of Spain had not only consented his forces should co-operate with us, but on the consideration of obtaining a necessary diversion, he had been induced by Count d'Estaing to approve my being detached into Canada with a French force. Nay, had the war continued, I think that, if not for love, at least on political motives, they would have consented to offer pecuniary assistance. 25

The conditions of the peace I do not dwell upon. I hope they are such as will be agreeable in America. They have no doubt been sent from France, and the part that respects the United States will have been immediately forwarded for their ratification. I do not hope to send you the first tidings of a general peace. Yet I have prevailed upon a small vessel to alter her course, and my own servant is going with the despatches, to prevent either neglect or other accidental delays.

On the moment of my arrival at Cadiz, I began a close correspondence with Mr Carmichael. It at first respected money matters, but soon took a still more important turn. Having been officially asked my advice upon his future conduct, I gave it in a letter, of which the enclosed is a copy. Whatever light my opinion may appear in at Madrid, or elsewhere, I think it is consistent with the dignity of the United States. Now, Sir, while enjoying the hope of being in a few weeks on the American shore, I have a letter from Mr Carmichael, wherein he requests my assistance at Madrid. How far it may serve him I do not know; but since I am thought useful, I shall yield to my zeal for the service of America, I readily give up personal gratifications. On my arrival at Madrid, I shall have the honor to give you my opinion of our situation there. Among the Spaniards we have but few well wishers, and as they, at the bottom, hate cordially the French, our alliance, though a political, is not a sentimental consideration with them. But I wish a settlement of boundaries may remove the more immediate prospects of dispute. It is, I believe, very important to America; the more so, as she became a national ally to France, a national enemy to Britain. But the Spaniards will be forever extravagant in their territorial notions, and very jealous of the increase of American wealth and power. But it is good policy for us to be upon friendly terms with them, and I wish on my return to Paris, that I may carry for Mr Jay some hopes of better success in his Spanish negotiation. 26

I have just heard that both Floridas were given to Spain. This accounts for Lord Shelburne's condescension in fixing our Southern limits. The people of Florida will, I hope, remove into Georgia. But the Spaniards will insist upon a pretended right to an extent of country all along the left shore of the Mississippi. Not that they mean to occupy it, but because they are afraid of neighbors that have a spirit of liberty. I am sorry those people have the Floridas. But as we cannot help it, we must endeavor to frustrate Lord Shelburne's views, which I presume are bent upon a dispute between Spain and the United States. A day will come, I hope, when Europeans will have little to do on the northern continent; and God grant it may ever be for the happiness of mankind and the propagation of liberty.

On the perusal of my letter to Mr Carmichael, I beg you will remember it is calculated to undergo the inspection of both cabinets at Versailles and Madrid; and to be a proof against the unfriendly connexions of a Spanish Ministry. Be pleased to tell Mr Morris, that I remember his want of money extends further than occasions of war. At the time of my leaving France, I had been made to hope, but do not know for the present what has taken place. On my arrival at Madrid, I will be very attentive to that point, but shall take care to preserve the dignity of the United States, of which I have a proper and exalted sense. 27

In my determination to go to Madrid, I have consulted with Mr Harrison, a gentleman whose residence at this place enables him to know a great deal about the Spaniards. He has to this moment acted as a consul in this place; so far at least, as to serve his countrymen, and spend his own money; for he has no public character, and what he has done he undertook at Mr Jay's request. There ought, I think, to be a consul at this place, and if the appointment is deferred, several inconveniences will be laid upon the American trade. There is no gentleman, exclusive of what his voluntary services deserve, who could better fill the place than Mr Harrison, and was I to take the freedom to advise, I would warmly recommend him for the appointment.

So far as we know of the Spanish preliminaries, they give up their claim upon having Gibraltar, but keep Mahon, and have the two Floridas. The islands of Providence are returned to England. We hourly expect a French courier. Tobago excepted, they gave up their conquests in the West Indies, and have St Lucia again. Before the vessel is gone I hope to be more particular. As to the American preliminaries, they have long ago been sent to Philadelphia.

While I am writing a French courier is arrived. Enclosed you will find an extract of the preliminaries, such as they are, sent to me. May I beg you will please to communicate my letter 28

to General Washington, though it is a public one, I may ask the favor from you, as I would otherwise have sent him a copy of it.

With the highest regard, I have the honor to be, &c.

LAFAYETTE.

P. S. I have just received a note from the French Ambassador at Madrid, whereby I find that my letter had a good effect.

TO THE PRESIDENT OF CONGRESS.

Cadiz, February 5th, 1783.

Sir,

Whatever despatch I make in sending a vessel, I do not flatter myself to apprise Congress with the news of a general peace; yet such are my feelings on the occasion, that I cannot defer presenting them with my congratulations. Upon their knowledge of my heart, I depend more than upon expressions, which are so far inadequate to my sentiments. Our early times I recollect with a most pleasing sense of pride; our present ones make me easy and happy. To futurity I look forward in the most delightful prospects.

Former letters have acquainted Congress, that, upon my intending to leave France, I had been detained by their Commissioners. To my letter of the 3d of December I beg leave to refer them for a further account of my conduct.

Now the noble contest is ended, and I heartily rejoice at the blessings of peace. Fortynine ships of the line and twenty thousand men are now here, with whom Count d'Estaing was to join the combined forces in the West Indies; and during the summer they were to co-operate with our American army. Nay, it had lately been granted, that, whilst Count d'Estaing acted elsewhere, I should enter the St Lawrence river at the head of a French corps. So far as respects me, I have no regret, but, independent of personal gratifications, it is known that I ever was bent upon the addition of Canada to the United States.

On the happy prospect of peace I had prepared to go to America. Never did an idea please me so much as the hope to rejoice with those to whom I have been a companion in our labors; but however painful the delay, I now must defer my departure. In the discharge of my duty to America no sacrifice shall ever be wanting, and when it had pleased Congress to direct that their Ministers should consult with me, it became my first concern to deserve their confidence.

From my letter to Mr Livingston an opinion may be formed of our situation in Spain; my advice has been called for, and I have given it; my presence is requested, and instead of sailing for America, I am going to Madrid, being so far on my way; and as Mr Jay is in Paris, I think it is better for me to go there. But unless Congress shall honor me with their commands, I shall embark in the course of June, and am eager for the moment when I may again enjoy the sight of the American shores.

Now, Sir, our noble cause has prevailed; our independence is firmly settled, and American virtue enjoys its reward. No exertions, I hope, will now be wanting to strengthen the Federal Union.

May the States be so bound to each other, as forever to defy European politics. Upon that union their consequence, their happiness, will depend. This is the first wish of a heart more truly American than words can express.

With the highest respect I have the honor to be, &c.

LAFAYETTE.

TO THE COUNT DE FLORIDA BLANCA.

Translation.

Madrid, February 19th, 1783.

Sir,

Having had the honor to confer with your Excellency on the objects relative to the United States, and being soon to repair to the American Congress, I wish to be fully impressed with the result of our conversations. Instead of the indifference, and even of the divisions, which another nation would be glad to foresee, I am happy to have it in my power to inform the United States of your

good dispositions. It is to you, Sir, I am indebted for this advantage, and in order to make it complete, and to make myself certain that I forget nothing, give me leave to submit to your Excellency the account which I intend to lay before Congress.

His Catholic Majesty desires, that a lasting confidence and harmony may subsist between him and the United States, and he is determined on his part to do everything that will be necessary to keep it up. The American *Chargé d'Affaires* is at this moment received as such, and your Excellency is going to treat of the interests of the two nations. As you wish to show Mr Jay every kind of regard, you wait only till the Count d'Aranda shall have notified your dispositions to him, before you present Mr Carmichael to his Majesty. 31

With respect to the limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the Court of London. The fear of raising an object of dissension, is the only objection the King has to the free navigation of the river Mississippi. The Virginia tobacco, and the naval stores, may furnish matter for reciprocal conventions in the treaty, and by means of the productions of America, arrangements might be made which would be useful to her finances. When I had the honor to speak to you in favor of a diminution of the duties on codfish, you answered, that it would be necessary to give to France a similar advantage, and that by virtue of former treaties, the English might set up pretensions to the same; but that you will do in every respect all that will be in your power to satisfy America.

I would with very great pleasure touch upon every detail, which may enter into a connexion between Spain and the United States, but I am not to be concerned in this happy work. The Ministers of the United States, and the one whom you may send thither are to make it their business, and I content myself with reminding you of the general ideas you have given me. A word from you will satisfy me that I have not omitted anything. The dispositions of his Catholic Majesty, and the candor of your Excellency, will leave no pretexts for misrepresentations. The alliance of the House of Bourbon with the United States is founded on reciprocal interest; it will still acquire greater strength from the confidence which your Excellency wishes to establish. 32

Such, Sir, are the conclusions, which I have drawn from our conferences, and the account which I intend to give to Congress, without having any mission for that purpose. I am acquainted with the sentiments of Congress, and I am convinced they will set a just value upon your dispositions. In permitting me to acquaint them with these particulars, you will have a claim to my personal gratitude. To the assurance of this I join that of the respect, with which I have the honor, &c.

LAFAYETTE.

COUNT DE FLORIDA BLANCA TO M. DE LAFAYETTE.

Translation.

Pardo, February 22d, 1783.

Sir,

I cannot comply better with your desire, than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to you, with respect to our dispositions towards the United States. I shall only add, that although it is his Majesty's intentions to abide, for the present, by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, yet the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.

I have the honor to be, &c.

COUNT DE FLORIDA BLANCA.

TO THE COUNT DE FLORIDA BLANCA.

Translation.

Madrid, February 22d, 1783.

On receiving the answer of the Count de Florida Blanca, I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and Americans, that his remarks related only to mere unimportant details, which he wished to receive from the Spanish commandants, which would be amicably regulated, and would by no means oppose the general principle. I asked him, 33

before the Ambassador of France, whether he could give me his word of honor for it. He answered me, he would, and that I might engage it to the United States.

LAFAYETTE.

TO ROBERT R. LIVINGSTON.

Bordeaux, March 2d, 1783.

Dear Sir,

Upon the news of a general peace, I had the honor to write to you, and took the liberty to address Congress in a letter, of which the enclosed is a duplicate. Those despatches have been sent by the *Triomphe*, a French vessel, and by her you will also have received a note of the general preliminaries.

The reasons of my going from Cadiz to Madrid being known to you, I shall only inform you, that upon my arrival there, I waited upon the King, and paid a visit to the Count de Florida Blanca. Independent of my letter to Mr Carmichael, of which you have a copy, I had very openly said, that I expected to return with him to Paris. So that after the first compliments, it was easy for me to turn the conversation upon American affairs. I did it with the more advantage, as I had beforehand fully conversed with Mr Carmichael, who gave me his opinion upon every point, and I was happy to find it coincided with mine.

In the course of our conversation, I could see, that American independence gives some umbrage to the Spanish Ministry. They fear the loss of their Colonies, and the success of our revolution appears to be an encouragement to this fear. Upon this subject their King has odd notions, as he has indeed upon everything. The reception of Mr Carmichael they wanted to procrastinate, and yet they knew it must be done. In offering my opinion to Count de Florida Blanca, I did it in a very free manner. I rejected every idea of delay. I gave a description of America, and of each of the States, of which Count de Florida Blanca appeared to know very little. While I abated their fears from our quarter, I endeavored to awaken them upon other accounts. It is useless to mention the particulars of this conversation, which lasted very long, and which he promised to lay before the King. In two days he said he should pay me a visit at Madrid.^[2]

Agreeably to the appointment, I waited for Count de Florida Blanca, and there, in presence of the French Ambassador, he told me that the King had determined immediately to receive the Envoy from the United States. Our conversation was also very long, and I owe Count de Montmorin the credit to say, that not only at that time, but in every instance where he could operate on the Count de Florida Blanca in our favor, he threw in all the weight of the influence of France.

It was on Wednesday that I received Count de Florida Blanca's visit. In conformity with the Spanish style, he endeavored to delay our affairs. I took the liberty to say, that on Saturday I must set out, and it was at last fixed that on Friday, Mr Carmichael should deliver his credentials, and on Saturday would be invited to the dinner of the foreign Ministers.

As to more important matters, I conversed upon the affair of limits, and upon the navigation of the Mississippi, to the last of which points I found him very repugnant. I spoke upon the codfish duties. I wanted to have a preference engaged for in writing, upon all bargains respecting tobacco and naval stores; in a word, I did my best, and would have been more particular in point of money, had not the Minister's answer put it out of my power to do it in any other way, than such as was inconsistent with the dignity of the United States.

As Count de Florida Blanca was taking leave, I told him that my memory must be somewhat aided. I proposed writing to him, and getting from him an answer. To this he first objected, but afterwards consented, saying, however, that his word was as good as his writing. And as I had been sometimes a little high toned with him in behalf of America, he added, that Spain was sincere in her desire to form an everlasting friendship, but did not act out of fear. I had before observed, that it was on Spain's account that I wished for a good understanding between her and America.

The reading of my letter, a copy of which I enclose, will better inform you of the points that have been either wholly or partially granted. I endeavored to make the best of our conversations, and to engage him as far as I could. On the other hand, I kept our side clear of any engagement, which it was easy for me to do in my private capacity. I did not even go so far as general professions. But since I had been called there, I desired only to induce him into concessions that might serve the purposes of Mr Jay. My letter was delivered on Thursday. The next day I accompanied Mr Carmichael, who is much and universally beloved and respected in that country. On Saturday, before dinner, I received the answer, which for fear of ambiguities, I had requested to be given at the end of the letter. A sentence of the answer I made him explain before the French Ambassador. Herein are joined those copies, and I keep the original for Mr Jay, whose political aid de camp I have thus been. I have of course referred to him everything, and this negotiation, wherein he has exercised the virtue of patience, will now require his care and his

abilities. The Ministers of some powers, Prussia among them, having asked me if Congress would be willing to make an advance towards them, I have answered, that the United States ought in my opinion not to make, but to receive advances.

At the same time I was employed in conversation with Count de Florida Blanca, I did not neglect speaking upon the same subject with the other Ministers. M. de Galvez, in whose department the Indies are, appears much averse to the English limit. He has for the present sent orders to the Spanish governors, to abide by those limits, and an official copy of those orders has been promised to me. But M. de Galvez was of opinion, that those limits would not do. I have therefore thought it proper, officially by writing, and before witnesses, so effectually to bind them, that the affair of limits cannot now but be settled on their side. Independent of their hand writing, France, through her Ambassador, is a witness to the engagement; and yet, being in a private capacity, I took care not to engage America to anything.

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Never was a man further from a partiality for Spain than I am. But I think I now have left them in a sincere and steady intention to cultivate the friendship of America. The French party at that Court will be for it. They labor under fits of occasional madness. They have an ill conducted pride. It is disagreeable to treat with them, and their own interest does not persuade them out of their prejudices. But though they had rather there were not such a place as North America, they are truly and earnestly desirous to maintain a good harmony and live in friendship and neighborly union with the United States. The Mississippi is the great affair. I think it is the interest of America to be well with Spain, at least for many years; and particularly on account of the French alliance; so that I very much wish success to Mr Jay's negotiations. I have advised Mr Carmichael to continue his conferences, and I think they will be of service.

On my arrival at this city, I hear that Lord Shelburne is out of place, and has been succeeded by Lord North. But I cannot give it as certain. The American flag has already made its appearance before the city of London.

Upon the principles of an unbounded zeal for America, can I be permitted to repeat, that every American patriot must wish that the federal union between the States may continue to receive additional strength? Upon that intimate national union their happiness and their consequence depend.

38

Hoping that my voluntary excursion to Madrid may have somewhat prepared the way to fulfil the intentions of Congress, I hasten to join Mr Jay, whose abilities will improve the account I shall lay before him.

I have the honor to be, with the most affectionate regard, &c.

LAFAYETTE.

FOOTNOTE:

[2] The Court was then at Pardo.

ROBERT R. LIVINGSTON TO M. DE LAFAYETTE.

Philadelphia, May 1st, 1783.

Dear Sir,

I am now to acknowledge your favor of the 5th of February, by the Triomphe, and that of the 2d of March, from Bordeaux. You were the happy messenger of glad tidings on both occasions. Before her arrival we had received no account of the signature of the general preliminaries, or of the cessation of hostilities. You can easily conceive the joyful reception it met with here, where we began to be heartily tired of the war; nor was it less welcome intelligence to the army, than to the other citizens of America.

The second letter, which promises a happy settlement of all differences with Spain, was flattering to those among us who knew the importance of her friendship, both in a commercial and political view. Congress feel themselves under great obligations to you, for the ardor you discovered in accelerating this happy event; and the address with which you placed it in such a train as to make it difficult for the Spanish Minister to go back from his engagements.

By this conveyance I send our Ministers the ratification of the provisional articles. Carleton and Digby have sent out their prisoners, and we are making arrangements to send in ours. Congress having determined on their part to do, not only all that good faith may require, but by this mark of confidence to convince them, that they have no doubt of the sincerity of their professions. Our Ministers will show you the letters that have passed between Carleton and me. Some among us, from finding nothing yet done that leads to the evacuation of New York, have been apprehensive that the British will effect delays on that subject, till the tories are satisfied, which I can venture

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to tell you in confidence they never will be unless the English shall on their part repair all the cruel losses they have unnecessarily occasioned. I this moment received a letter from the General, informing me, that he had proposed a personal interview with Carleton, in hopes of learning something of his intentions with respect to the evacuation, but I fear he will be deceived in this hope, if I may judge from the debates of the 3d of March, which prove that no orders had then been transmitted.

I cannot leave writing, without expressing how sincerely I agree with you, in your wishes that unanimity may prevail, and the band of union among us be strengthened; there is no thinking man here, who does not at the same time feel the necessity and lament the difficulty of effecting a measure, on which our happiness so greatly depends. Congress have made some general arrangements in their finances, which if adopted by the several States, will render our national debt a national tie, which time and experience may strengthen. Our Ministers will show you those resolutions; I will not therefore unnecessarily burden Colonel Ogden with them. For general information I refer you to him,

And have the honor to be, &c.

ROBERT R. LIVINGSTON.

TO THE PRESIDENT OF CONGRESS.

40

Chavaniac, in the Province of
Auvergne, July 20th, 1783.

Sir,

Having been for some days in the country, where I am waiting for the arrival of the Triomphe I am honored with your Excellency's favor of the 12th of April, which I hasten to acknowledge. It is for me a great happiness to think, that Congress have been pleased to approve my conduct, and that an early intelligence has proved useful to our American trade. To my great satisfaction I also hear, that my endeavors in Spain have been agreeable to Congress. Upon my arrival in Paris I made Mr Jay acquainted with my proceedings. The concessions I had obtained from the Spanish Court (without any on our part) were also put into his hands. Since which I could have no more to do in the negotiations, wherein I had taken the part of a temporary volunteer.

However repeated may have been the marks of confidence, which Congress have conferred upon me, they ever fill my heart with a new satisfaction. What you have mentioned respecting payment of debts, will of course become my first and most interesting object. I have warmly applied to the French Ministry, and will on that point solicit the confidence of the gentlemen in the American Commission. But upon hearing of an opportunity, I could not an instant defer to acknowledge your Excellency's letter. Agreeably to the last despatches, I am waiting for the orders which I hope to receive by the Triomphe. Any commands which Congress may have for me, shall be cheerfully executed, by one of their earliest soldiers, whose happiness it is to think, that at a less smiling moment he had the honor to be adopted by America, and whose blood, exertions, and affections, will in her good times, as they have been in her worst, be entirely at her service.

41

It appears Russia is determined upon a Turkish war, and should they give it up now, the matter would only be postponed. What part the Emperor is to take, we cannot at present so well determine. Whenever the way is opened to me, I endeavor to do that which may prove agreeable to Congress, and intend to keep them acquainted with political occurrences. It is a pleasing idea for me now to think, that nothing can derange our glorious state of liberty and independence. Nothing, I say, for I hope measures will be taken to consolidate the Federal Union, and by those means to defeat European arts, and insure eternal tranquillity.

With the highest respect, I have the honor to be, &c.

LAFAYETTE.

P. S. Congress have no doubt received accurate accounts respecting the affair of free ports. On my arrival from Spain, I found that Bayonne and Dunkirk had been pitched upon, and I immediately applied for L'Orient and Marseilles. L'Orient is by far the most convenient on the coast, and we now have got it. That being done, I am again applying for Bayonne, which has some advantages, and I wish Congress would send orders to Mr Barclay. In the meanwhile, the more free ports we have the better. This affair of free ports, the subject which Congress have recommended, and the despatches I am directed to expect by the Triomphe, will determine the time when, having no more American business here, I may indulge my ardent desire to return to the beloved shores of America.

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LAFAYETTE.

TO THE PRESIDENT OF CONGRESS.

Nantes, September 7th, 1783.

Sir,

In consequence of the late arrangements, the French September packet is about to sail, and I beg your Excellency's leave to improve that regular, speedy, and safe opportunity. At the same time, Congress will receive a definitive treaty. But upon this point, since I left Madrid, my services have not been wanting. From our Commissioners, Congress will of course receive better information. This one object I must however mention, which respects American debts. As soon as I knew the wishes of Congress, I did, as I ever shall in such a case, earnestly apply to the French Ministry and the American Commissioners. But I was answered that it could not be done, and did not even consist with the powers of the British Ministry. After which, and at that time of the negotiation, I had no means to improve the hint I had received from your Excellency.

As to mercantile affairs in France, Mr Barclay will acquaint Congress with their present situation. Bayonne and Dunkirk having been pointed out as American free ports, and the opinion of Congress not being known, I took upon myself to represent the harbor of L'Orient as preferable to either of those abovementioned. It has lately been made a free port; and I now wish the affair of Bayonne may be again taken up. Those three ports, with Marseilles, would make a very proper chain, and in the meanwhile, I hope L'Orient will prove agreeable to the American merchants.

There now exist in this kingdom many obstacles to trade, which I hope, by little and little, will be eradicated, and from the great national advantages of this country over England, it will of course result that a French trade, generally speaking, must prove more beneficial to America. Upon many articles of American produce I wish preference may be obtained from this government, and besides commercial benefits in Europe, your Excellency feels that West India arrangements cannot easily be adjusted, with European notions and at the present costs. Upon those objects, Mr Barclay has had, and again will have, conferences with the Ministers. Circumstanced as we now are, he is, and the Commissioners also are of opinion, that my presence in France may be serviceable. As he was pleased to apply to me on the subject, saying he would mention the matter to Congress, and as their orders which I was to expect have not yet reached me, I think it my present duty, and it ever shall be my rule, to do that in which I hope to serve the United States.

Warlike preparations are still going on in the eastward. Immediately after she had signed a commercial treaty with the Turks, it pleased the Empress of Russia to seize upon the Crimea under a frivolous pretence. Her armies are ready to take the field, stores and troops have been collected upon the borders of the Black Sea, and the Turks are making immense, but I think not very formidable, preparations. By our last accounts the Austrians were gathering upon those borders, which lead towards an invasion of Turkish Provinces; and it is thought by many, that for fear of the plague, the two Imperial powers will prefer winter operations. How far matters may be carried, or compromised, cannot yet be well determined. What part France, Prussia, and England will take, is not yet known. The Levant trade cannot but be interested in the affair.

In every American concern, Sir, my motives are so pure, my sentiments so candid, my attachments so warm and so long experienced, that from me nothing, I hope, will appear intruding or improper. Upon many points lately debated, my opinions, if worth a remark, are well and generally known. But I must frankly add, that the effect which some late transactions have upon European minds cannot but make me uneasy. In the difficulties, which a patriotic and deserving army have met with, Europeans have been misled to conceive a want of public gratitude. In the opinions that have from every quarter been stated, Europeans have also mistaken partial notions for a want of disposition to the Federal Union; and, without that Union, Sir, the United States cannot preserve that dignity, that vigor, that power, which insures the glory and the happiness of a great, liberal, and independent nation. Nay, it would be ill fate to us, who have worked, fought, and bled in this cause, to see the United States a prey to the snares of European politics. But I am only mentioning the opinions of men on this side of the water, and in my heart, I hope everything will be adjusted to the satisfaction of that part of the citizens, who have served in the army, and that other part in the civil line, who, during the war, have sympathised with their troops. I, above every other earthly wish, most fervently pray, that the enemies of liberty, or such as are jealous of America, may not have the pleasure to see us deviate from the principles of the Federal Union. And upon a recollection of my introductory apology, I hope the observations I humbly offer will be as kindly received, as they are respectfully and affectionately presented.

When it is thought my presence here can be dispensed with, or in case the situation of affairs should persuade me it were more useful in America, I will not delay to join a wished for and beloved land. Any orders or commands whatever, which Congress may be pleased to give me, I shall most cheerfully obey; and as every moment in my life is devoted to the love and respect of the United States, so will it ever be my happiness to serve them.

With every sentiment of an affectionate regard, I have the honor to be, &c.

LAFAYETTE.

TO THE PRESIDENT OF CONGRESS.

Paris, December 26th, 1783.

Sir,

Having received no commands from Congress by the last packet, I must, however, trespass upon their time to give them a few hints respecting American commerce. I have of course directed them to Mr Morris; and although Dr Franklin (the other Ministers being in England) will give you political intelligence, I cannot help adding, that by a refined piece of cunning, the King of England has got Mr Fox out of the Ministry. After having entangled him by a success in the House of Commons, he found means to stop him short in the House of Lords; in consequence of which Mr Fox has been dismissed. Mr Pitt, and the last of the Temples called in, and the new administration, (Lord North being also out) necessitates the calling of a new Parliament.

The affairs between Russia and the Ottoman Empire are still negotiating, and although in my opinion a war cannot be much deferred in that quarter, there is no probability of its taking place so soon as next summer. The Emperor is in Italy, upon which some say he has also got an eye, and there he will meet with the King of Sweden. There is no change in the French Ministry, since M. de Calonne has succeeded to M. de Omillon, and Baron de Breteuil to M. Amelot, both of whom are more sensible than their predecessors.

Unless I have some commands from Congress to execute in Europe, I shall in the Spring embark for America, and present them with the personal homage of one, whose happiness is to feel himself forever a zealous member in the service of the United States.

With the utmost regard, and affectionate attachment, I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY, SECRETARY OF FOREIGN AFFAIRS.

Mount Vernon, November 25th, 1784.

Dear Sir,

Although I hope in a few days to have the pleasure of seeing you, I must beg leave to mention a matter, which has not a little hurt my feelings. You probably know that on my way, passing through New York, and particularly on my visit to Albany, it was intimated my presence at the Indian treaty would be of some use to the public. At Fort Schuyler I was desired to speak to the Indians, which I did, and the Commissioners had the papers filled up with their other transactions. But copies were taken, which was thought then a matter of no consequence. The enclosed letter from Mr St John, and the gazette that accompanied it, will show you that from the most obliging and humble motives in the world, he attempted to translate and print such incorrect parts of the relation as he had been able to come at. Had his kind intentions only given him an instant to reflect, he might have seen the impropriety of that measure, but in the meanwhile, it looks as if it had my consent; and such deviation is it from the manner in which our servants of the United States ever did business, that out of respect for Congress, for the Commissioners, and myself, I could not rest easy until the matter should be fully explained. Enclosed in my letter to the French Consul, which, after you have taken out such extracts as you think proper, I beg you will seal up and send by the bearer. Indeed, my Dear Sir, upon your friendship I depend to have this little circumstance officially laid before Congress, and should these letters be worth their reading, it will be, I hope, a satisfactory explanation of the affair.

In the first days of next month I shall have the pleasure to meet you at Trenton, and at that time will have the opportunity of conversing with you on several subjects. No answer from you ever came to hand.

I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

Versailles, February 8th, 1785.

Dear Sir,

After thirty days passage, I was safely landed at Brest, and am so lately arrived in Paris, that I had better refer you to your Ministerial intelligence. In consequence of Austrian demands upon the Dutch, and the gun these have fired at — forty thousand men were sent to the Low

Countries by the Emperor, and a second division was in motion the same way, when France gave orders for two armies to be got in readiness, the one, probably, in Flanders, and the other in Alsace. Holland is gathering some troops, the greater number purchased in Germany, and will have at the utmost, thirty thousand men in the field. Count de Maillebois, an old and able French General, has been demanded by them. Russia seems friendly to the Emperor; and although the Stadtholder is a friend to the King of Prussia, while the patriots are wholly attached to France, yet Prussia will, no doubt, side in politics with France, and the Stadtholder will command his own country's troops.

A grand plan is spoken of, whereby the Emperor would endeavor to obtain Bavaria, and in return, give the Low Countries to the Palatine House; a bargain, which betters and increases the Imperial forces. Under these circumstances, negotiations cannot but be very interesting. Although the freedom of Holland, and the protection of the German Princes, are very proper objects for France to support, yet a war with the Emperor must be peculiarly disagreeable to the Court. It will certainly be avoided, if consistent with the liberties of Holland, with faith, and dignity; and, upon the whole, I am strongly of opinion, that no war will take place, at least for this year. The appearance of things, however, is still warlike enough to have made it proper for me to be arrived at the time I did; an idea, I confess, the more necessary for the situation of my mind, as I most heartily lamented the shortness of this visit to America, and the obligation I had been under to give up favorite plans, and break off more agreeable arrangements. The officers of the regiments under marching orders, Colonels excepted, have joined their corps. But I hope matters will be compromised; and such at least is my private opinion; but even they, who know more than I do on the subject, would, perhaps, find it difficult to form a precise one.

49

The Ministers of Congress will, no doubt, inform you of the situation of their negotiations in Europe. You will have seen M. de Castine's compliance with engagements. He had taken a letter to me, which Mr Morris laid before Congress. Nothing new was granted, and although the suspended decisions about flour and sugars were favorable to them, the French merchants have complained of what has been obtained. In every country, mercantile prejudices wear off by little and little.

I beg, my Dear Sir, you will forgive the hurry in which I write. Be pleased to remember me to all our friends.

I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

50

Paris, March 19th, 1785.

Dear Sir,

I have been honored with your letter of January the 19th, and am happy to hear that federal ideas are thriving in America. The more I see, hear, and think in Europe, the more I wish for every measure that can ensure to the United States, dignity, power, and public confidence. Your three Ministers being in Paris, they will, of course, acquaint you with the present state of America, and also of European politics. Great Britain perseveres in her ill-humor. Spain in her ill-understood policy. On my arrival, I repeated what I had written; namely, the idea of getting New Orleans, or at least to advise the Spaniards to make it a free port. The former is impossible. As to the second, I had no positive answer, but I am sure my opinion was not thrown away. However, I confess it is difficult to make converts of a Spanish cabinet. You know them better than I do.

Negotiations in Europe are still going on, and there is every reason to hope this will be terminated without bloodshed. Enclosed you will find a declaration, which has been published officially in some measure, in the Leyden Gazette. Count de Maillebois is now in Holland, where they are raising troops, and where parties run very high. In the meanwhile, the Emperor had another plan in view, of which I wrote to you in my last letters; it was to exchange his dominions in the Low Countries for the Electorate of Bavaria. But, fortunately for all the members of the empire, the Duke of Deux Ponts, nephew and heir to the Elector, has firmly opposed it. A report had been spread, that the Emperor had intended to surprise Maestricht. But although matters are not yet finally settled, I am pretty certain there will not be this year any Dutch war, nor Bavarian war, both of which could not fail to involve France. It is, however, difficult to be decided in an opinion upon a matter, which the ideas of one man may derange.

51

You speak to me of the introduction of flour in the West Indies. My wishes and my efforts are not unknown to you. But such clamors have been raised by the merchants against what we lately have obtained, that our efforts now, must be directed towards holding it fast. Those people are encouraged by the narrow politics of England, who, say they, have all the trade of America. I have appointed a conference with the Duc de la Vauguyon, who is setting out for Spain, and I will tell him everything I know respecting the Mississippi.

Your Ministers will, probably, write to you respecting the Algerine business. What information I can collect will be presented to them.

I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

Paris, May 11th, 1785.

Dear Sir,

This opportunity being very safe, Congress will have been fully informed by their Minister and the bearer, Mr John Adams's son, who is himself very well fit to give them proper intelligence.

The appearances of a war are more and more remote. Politicians do, however, look towards the Ottoman Empire. The Emperor is restless. The Empress of Russia is ambitious; the King of Prussia is old; a King of the Romans is to be elected; an arrangement for Bavaria, a reason or a pretence, an interest or a whim might set fire to combustible matters; but it is not expected for the present.

As it seems to me that favors granted to American importations are one of the best services that can be rendered to American trade, I wish it had been possible to obtain a total abolition of duties upon whale oil. But in this moment government are taken up with a scheme to revive that fishery in France. It was therefore necessary to follow a round about course, and Mr Adams is charged with some private proposals, which may be advantageous.

In a few days I intend visiting Nismes, Montpellier, and Rochelle, which are manufacturing and trading towns. I hope my little journey may not be quite useless; after which I shall go to Berlin and Silesia, to Vienna and Bohemia, where the King of Prussia, and the Emperor, at several periods of the summer, have grand manœuvres executed by their troops. Should I in those visits find the least opportunity to gratify my zeal for the United States, I should think myself more happy than I can expect, and as much so as your patriotic heart can feel.

With the most sincere regard and affection, I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

Vienna, September 6th, 1785.

Dear Sir,

The enclosed is a Memorial in behalf of M. d'Argaynarats, which has been recommended to me by persons of the most respectable character. It seems M. d'Argaynarat's situation is very particular, and the distress of himself and family very urgent. As in the number of petitions that may be received, it is not possible for Congress to be acquainted with the family affairs of individuals, I hope it is not improper for me to lay before them this particular case; and while it is officially presented by others, not to withhold my certificate of the accounts which respectable characters have given me about M. d'Argaynarat's present distresses.

With the highest and most affectionate regard, I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

Paris, February 11th, 1786.

Dear Sir,

I have not for a long time had the honor to address you, either in public or private letters. This has been owing to a tour I made through several parts of Europe, and to a derangement in the packets, which, to my great concern, I found to have taken place during my absence.

In the course of a journey to Prussia, Silesia, the Austrian dominions, and back again to Berlin, I could not but have many opportunities to improve myself by the inspection of famous fields of

battle, the conversation of the greatest Generals, and the sight of excellent troops; those of Prussia particularly exceeding my expectations. I had occasions not less numerous to lament the folly of nations, who can bear a despotic government, and to pay a new tribute of respect and attachment to the constitutional principles we had the happiness to establish. Wherever I went, America was of course a topic in the conversation. Her efforts during the contest are universally admired; and in the transactions, which have so gloriously taken place, there is a large field of enthusiasm for the soldier, of wonder and applause for the politician; and to the philosopher, and the philanthropist, they are a matter of unspeakable delight, and I could say of admiration. Those sentiments I had the pleasure to find generally diffused. But to my great sorrow, (and I will the more candidly tell it in this letter, as it can hurt none more than it hurts myself,) I did not find that every remark equally turned to the advantage of my pride, and of that satisfaction I feel in the admiration of the world for the United States.

54

In countries so far distant, under constitutions so foreign to republican notions, the affairs of America cannot be thoroughly understood, and such inconveniences as we lament ourselves are greatly exaggerated by her enemies. It would require almost a volume to relate how many mistaken ideas I had the opportunity to set to rights. And it has been painful for me to hear, it is now disagreeable to mention, the bad effect which the want of federal union, and of effective arrangements for the finances and commerce of a general establishment of militia have had on the minds of European nations. It is foolishly thought by some, that democratical constitutions will not, cannot, last, that the States will quarrel with each other, that a King, or at least a nobility, are indispensable for the prosperity of a nation. But I would not attend to those absurdities, as they are answered by the smallest particle of unprejudiced common sense, and will, I trust, be forever destroyed by the example of America. But it was impossible for me to feel so much unconcerned, when those points were insisted upon, for which I could not but acknowledge within myself there was some ground; although it was so unfairly broached upon by the enemies of the United States. It is an object with the European governments to check and discourage the spirit of emigration, which, I hope, will increase among the Germans, with a more perfect knowledge of the situation of America. And while I was enjoying the admiration and respect of those parts of the world for the character of the United States; while I was obliged to hear some remarks, which, although they were exaggerated, did not seem to me quite destitute of a foundation, I heartily addressed my prayers to heaven, that by her known wisdom, patriotism, and liberality of principles, as well as firmness of conduct, America may preserve the consequence she has so well acquired, and continue to command the admiration of the world.

55

What I now have the honor to write, is the result of conversations with the principal characters in the countries I have visited; and particularly the Austrian and Prussian Ministers, the Emperor, Duke of Brunswick, Prince Henry, a man equally great and virtuous, the Prince Royal, and the King of Prussia. With the last I have often dined in the company of the Duke of York, second son to his Britannic Majesty, when American affairs past and present were brought on the carpet, and sometimes in a manner not a little embarrassing for an English Prince. My stay at Vienna was short, but I had a very long conference with the Emperor, in which we spoke much of the American trade, and I found he had imbibed British prejudices. The next day Prince de Kaunitz introduced the same subject to me, and expressed some astonishment, that the United States did not make advances towards the Emperor. I answered, advances had been made formerly, and more than were necessary on the part of America, whom there was as much occasion to court, as for her to seek for alliances. But that my attachment to his Imperial Majesty made me wish he would address, on that business, the Ministers of Congress, now at Paris and London, through the medium of his Ambassadors. I added, that the best measure to be taken immediately, was to open the Italian ports to American fish. But I do not think the United States will ever find a very extensive commercial benefit in her treaties with that Court.

56

In everything that concerns France, my respected friend Mr Jefferson will give you sufficient information. The affair of American commerce wears a better prospect than it has hitherto done; so far at least, that a committee has been appointed to hear what we have to say on the trade between this kingdom and the United States.

The King of Prussia is very unwell, and cannot live many months. His nephew is an honest, firm, military man. From the Emperor's temper a war could be feared. But our system is so pacific, and it will be so difficult for England to involve us in a quarrel without acting a part which she has no interest to do, that I do not think the tranquillity of Europe will be deranged. Holland is checking Stadtholderian influence, but no further. The King of Naples and his father are quarrelling on account of a Minister, leaning to the House of Bourbon, and devoted to other powers, whom the son wants to keep. I had lately an opportunity to know, that the last revolt in Peru has lost a hundred thousand lives; but from the same account I find that those people are far remote from the ideas which lead to a sensible revolution.

I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

57

Dear Sir,

Owing to several circumstances, and particularly to a journey I have made through some garrison towns, your favor of June the 16th has reached me very late. That there should remain the least doubt with M. Gardoqui respecting the adoption of the English limits, is a matter of amazement to me. The original letter having been sent I herewith enclose a copy, with a few observations. I think its presentation to M. Gardoqui will the better convince him, as he knows Count de Florida Blanca's respect for his own word of honor. And may I be allowed to add, that the more this letter is known, the better it will impress the public with ideas favorable to the Spaniards, and the Spaniards, with a sense of engagements, which men of honor cannot trifle with.^[3]

As to the navigation of the Mississippi, you know better than I what are the strong prejudices of that Court against it. But we both know equally well, that in a little time we must have the navigation one way or other, which I hope Spain may at last understand.

It has been said in some newspapers, that the Floridas should be given up to France. But nothing has come to our knowledge, which gives the least ground for an idea of that kind. As Mr Jefferson sends you a letter relative to commerce, which improves the condition of the treaty with England, whereby she has no claims on the favors enjoyed by the United States, although she is to be treated like the other most favored nations, and as M. Dumas is writing on Dutch affairs, I will only beg leave to inform you, that the appointment of the convention has had already a good effect in Europe, and that great benefit will be derived on this side of the water also, from the commercial and federal measures, which it is my happiness to hear are now under consideration.

Although there may be a diversity of opinions, whether a peace must be purchased at any rate from the Barbary Powers, or a war must be carried on against them until they come to proper terms, there can in no mind be any doubt about the advantages of a third measure, which is a confederacy of six or seven powers, each of them giving a small quota, and the reunion of which would ensure a constant and sufficient cruise against those pirates, and after they are brought to terms, would guard against the breaking of a peace which the powers would mutually guarrantly to each other. Portugal, Tuscany, Naples, Venice, and Genoa, are now at war with those regencies. I would like at the same time to have the armament so managed as to use American flour, fish, and naval stores. This plan is not as yet very well digested in my head, but I beg leave to submit to Congress the propriety of empowering their Ministers to stipulate for such an arrangement.

I have the honor to be, &c.

LAFAYETTE.

P. S. In case Congress have no particular orders for me, (in which case I should be most happy to wait on them, either as a soldier in their armies, or in any other manner) I may perhaps accept the invitation of the Empress of Russia, to be presented to her next spring in her new dominions of Crimea, which excite my curiosity. Should anything turn out that may employ me as a servant of the United States, I hope they know my zeal.

FOOTNOTE:

^[3] See these letters to and from Count de Florida Blanca, above, pp. [30](#), [32](#).

TO JOHN JAY.

Paris, February 7th, 1787.

Dear Sir,

This letter goes in the first packet from Havre, a change advantageous both to passengers and correspondents, and through the hands of Colonel Franks, whose good conduct at Morocco has entitled him to a share of that respect, which has been deservedly paid to the American Embassy. Mr Barclay's refusal of the presents has been a matter of wonder to every African, and I dare say to some Europeans, whose accounts do full justice to him.

To Mr Jefferson's despatches I refer for useful intelligence. The affairs of Holland do not make a progress towards conciliation. It seems that the King of Prussia will not find himself the better for counteracting in many points, the line of conduct of his deceased uncle. A treaty of commerce is signed between France and Russia. The Empress has set out on her journey towards Crimea. She had permitted my waiting on her, but I am detained by the Assembly of Notables, an event not very common, neither expected, which does honor to the King and his Ministry, and will, I trust, be productive of public good.

I have had the honor to send copies of my old correspondence with the Count de Florida Blanca. The enclosed one will supply any accident that may have befallen the others. We are told, that the unhappy disturbances in New England have subsided. To us they do not appear so dangerous as to Europeans; but sufficiently so to give us a great deal of concern. May all Americans know the blessings of their own constitutions, and from comparison judge, that if they are to correct, it would be madness in them to destroy.

60

I hope the convention at Philadelphia will answer the essential and urgent purposes of the confederation, commerce, and the establishment of a uniform and republican militia. Each State has within itself the means fully sufficient to set right the opinions of mistaken citizens, and those means seem to me principally founded on the good sense, knowledge, and patriotic liberality of the people. Every wrong measure of theirs would hurt, not only the consequence of the United States, but also the cause of liberty in all parts of the world.

With the most sincere regard and attachment, I have the honor to be, &c.

LAFAYETTE.

TO JOHN JAY.

Paris, May 3d, 1787.

My Dear Sir,

Had I been sooner acquainted with Mr Forrest's departure, I would have given you more particular accounts of the latter part of our session, but have only time to enclose the speeches that were made by the heads of the several departments. Not that such etiquette speeches are in any way interesting on the other side of the Atlantic, but because you will in the same book find that of the Archbishop of Toulouse, wherein he gives the King's answer to the several demands of the Bureau. You will see, that if the madness and corruption of the late administration have laid us under a necessity to acknowledge that, after all other means would be exhausted, taxes must be employed to fill up the vacancy, yet we have gained not a little by the convocation of the Assembly. A more equal repartition of taxes, including the clergy, who hitherto had escaped them, and the powerful ones among the noblesse, who were not very exact; Provincial Assemblies on an elective principle, which, by the bye, are big with happy, very happy consequences, that will come to light as we go on; economies to the amount of forty millions at least; the destruction of interior custom houses; a modification of the Gabelle; an annual publication of the account of the finances; the printing of all pensions, gifts, &c.; more proper arrangements within some departments; and a more general instruction, habit of thinking on public affairs, &c. &c. are the good effects of this Assembly, which, although it was not national, since we were not representatives, behaved with great propriety and patriotism.

61

On the last day of our session, I had the happiness to carry two motions in my Bureau which were, I may almost say, unanimously agreed to; the one in favor of the Protestant citizens of France, the other for an examination of the laws, particularly the criminal ones. Enclosed is the resolve framed by the Bureau, which Count D'Artois, our President, presented to the King, and was graciously received. I was the more pleased with it, as some step of the kind, with respect to the protestants, that had been tried in the Parliament of Paris, had not the proper success. So far are we from religious freedom, that even in asking for tolerance, we must measure our expressions. I was more liberally supported, by a learned and virtuous prelate, the bishop of Langres, who spoke admirably on the religious motion I had introduced. You will see that the Bureau clogged it with many compliments to the Roman creed, to appease the priests and devotees.

62

I cannot express to you, my Dear Sir, what my feelings have been, whenever the unpaid interest of the American debt has been spoken of in the examination of the accounts. May the convention be the happy epocha of federal, energetic, patriotic measures! May the friends of America rejoice! May her enemies be humbled, and her censors silenced at the news of her noble exertions in continuance of those principles, which have placed her so high in the annals of history, and among the nations of the earth.

The archbishop of Toulouse is the ablest, and one of the most honest men, that could be put at the head of administration. He will be the prime influencer in everything, and we may depend upon him as a man equally enlightened and liberal.

I beg you will present my respectful compliments and those of Madame de Lafayette to Mrs Jay. Remember me to General Knox, Colonel Hamilton, Colonel Wadsworth, the Chancellor, Mr Madison, Doctor Cochran, the Governor, in a word, to all friends.

Please send the enclosed printed speeches, and copied resolves of the Bureau, to Mr Otho, who must be very desirous of getting them.

63

Most respectfully and affectionately yours,

TO JOHN JAY.

Paris, October 15th, 1787.

Sir,

The present state of politics having been laid before Congress, I shall the less intrude on their time with repetitions, as the late transactions in Holland have nothing pleasing to dwell upon. That the republican party have been disunited in many respects, and blinded in the choice of a General, that our cabinet have been treacherously deceived, are true, but insufficient apologies. The Ottomans, roused by England, will, probably, pay for their folly with one half of their empire. It now lies with England, whether a maritime war is to break out, which must involve the continent, and connect France with the two Imperial Courts. France is sincere in her politics and moderate in her pretensions, as it is the ardent wish of the King, Ministers, and nation, to devote themselves to internal improvements. But the affairs of Holland, those in the east, the giddiness of the King of Prussia's head, and British rancor for the assistance given to America, are causes of war, which, notwithstanding the disposition of this Ministry, may, probably, be blown up in Great Britain.

It is natural for a citizen and servant of the United States to consider what effect a maritime war would have upon them; and I am happy to find in their indulgence and long experienced confidence, every encouragement to offer my opinion.

64

A co-operation against a proud and rancorous enemy would equally please my politics as a Frenchman, my feelings as an American, my views as an individual. I was nine years ago honored with the choice of Congress, to command an army into Canada, and never have I ceased to enjoy the prospect of its enfranchisement. A successful war, too, might divide the fisheries between France and America. But are not the United States so circumstanced for the present, as to render a war too expensive for them and too dangerous to their commerce?

Convinced as I am, that it is the case, I think myself bound in duty and love for them, not to indulge my ambition further than a neutrality useful to them and favorable to their allies. Every American harbor will offer a shelter for the French ships, a market for their prizes, and all the conveniences of repair and victualling; all which being consistent with treaties gives no ground of complaint. Although the trade is going on between England and America, it does not hinder the French Colonies from being supplied with all their wants. Privateering itself, if under French colors, does no harm; and so may the United States enrich themselves with a free trade with both nations, at the same time that they maintain their own tranquillity and help their allies. And should they be forced into a war, I would wish at least it was delayed as long as possible, and postponed, for obvious reasons, to the last campaign.

It is to be confessed, that France might lay some claims on more decisive measures, but sensible as she is of the unavoidable situation of affairs in America, I have reasons to believe she would not hurry her into a war, and will be satisfied with such a friendly, helping neutrality.

65

But I consider the present time as a proper one to obtain the restoration of the forts, and, perhaps, the navigation of the Mississippi, two points, which I confess I could never submit to the idea of giving up. The one is ours^[4] by the laws of nations, the other by the laws of nature; and may I be permitted to add, that either concession would be inconsistent with the character of the United States.

Mr Jefferson gives an account of the measure taken respecting the commerce between this kingdom and America. I wish that affair had been terminated in time for the departure of Count de Mourtier, a gentleman whose personal character will, I trust, deserve the confidence and approbation of Congress.

We are anxiously waiting for the result of the convention at Philadelphia, as an event which, being engrafted in the present dispositions of the people, will, probably, add a lustre and a proper weight to the affairs of America in Europe; and, while it ensures internal happiness and prosperity, will baffle the insidious wishes, and annihilate the absurd reports of her enemies.

The next month is the appointed time for the sessions of all Provincial Assemblies, an establishment, which will be productive of the best consequences.

The liberty I have taken in expressing my opinion on an event not certain, but not improbable, cannot be referred, I am sure, to any principles of vanity or self-sufficiency; but to the gratitude so well grounded, and the zeal, which shall ever rank me among the most devoted servants of the United States.

66

With every sentiment of personal attachment and regard, I have the honor to be, &c.

FOOTNOTE:

[4] It must be remembered, that in these letters General Lafayette always speaks of himself as an American.

THE

CORRESPONDENCE

OF THE

COMMISSIONERS

FOR NEGOTIATING A PEACE WITH GREAT BRITAIN.

As early as September 27th, 1779, John Adams was appointed by Congress Minister Plenipotentiary for negotiating a treaty of peace and commerce with Great Britain, whenever that power should be prepared to acknowledge the independence of the United States, and enter into a treaty. Mr Adams went to Europe on this mission, but as no opportunity occurred for putting it into execution, he received another appointment as Minister to Holland.

Meantime Congress, on the 14th of June, 1781, annulled Mr Adams's first commission for negotiating a treaty, and associated with him four other persons for this purpose, namely, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson. To these five commissioners, or to a majority of them, or any one of them alone, in case accident prevented the presence of the others, was assigned the power of making a treaty of peace with such commissioners, as should be appointed for the same object on the part of the English Court. Richard Oswald was the British Commissioner. He went to Paris in the Spring of 1782, and commenced the negotiation with Dr Franklin, who was then the only one of the American Commissioners present. Mr Jay arrived in Paris from Spain on the 23d of June, and united with Dr Franklin in the labors of the mission. As Mr Adams was then employed in completing a treaty with Holland, he did not join his colleagues till near the end of October. The Provisional articles were signed on the 30th of November. Mr Laurens was present at the signature of the treaty, having arrived only two days previous to that event. Mr Jefferson did not engage in the mission.

Adams, Franklin, and Jay remained in Paris after the signature of the preliminary articles, as Commissioners for making a Definitive Treaty. The English government sent David Hartley to Paris for the same purpose. Many propositions passed between the Commissioners of the respective countries, but after ten months' fruitless discussion, the Definitive Treaty was signed in the exact words of the Provisional Articles, on the 3d of September, 1783.

As the Commissioners corresponded singly with the Secretary of Foreign Affairs, and the President of Congress, during the whole period of the negotiation, they wrote but few letters in concert. The records of the Commissioners, kept by their Secretary, have also been lost. Nearly all the papers, which have much value, have been found and arranged for the present publication, but there are yet some deficiencies. The history of the negotiation can only be understood by reading carefully, in connexion with these papers and letters, the correspondence of each of the Commissioners during the same period.

THE

CORRESPONDENCE

COMMISSIONERS

FOR NEGOTIATING A PEACE WITH GREAT BRITAIN.

COMMISSION TO TREAT OF PEACE.

The United States of America, in Congress assembled, to all to whom these presents shall come, send greeting.

Whereas, these United States, from a sincere desire of putting an end to the hostilities between his Most Christian Majesty and these United States, on the one part, and his Britannic Majesty on the other, and of terminating the same by a peace founded on such solid and equitable principles as reasonably to promise a permanency of the blessings of tranquillity, did heretofore appoint the honorable John Adams, late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, their Minister Plenipotentiary, with full powers, general and special, to act in that quality, to confer, treat, agree, and conclude with the Ambassadors, or Plenipotentiaries, of his Most Christian Majesty, and of his Britannic Majesty, and those of any other Princes or States, whom it might concern, relating to the re-establishment of peace and friendship; and whereas, the flames of war have since that time been extended, and other nations and States are involved therein,

Now know ye, that we, still continuing earnestly desirous, as far as it depends upon us, to put a stop to the effusion of blood, and to convince the powers of Europe, that we wish for nothing more ardently, than to terminate the war by a safe and honorable peace, have thought proper to renew the powers formerly given to the said John Adams, and to join four other persons in commission with him, and having full confidence in the integrity, prudence, and ability of the honorable Benjamin Franklin, our Minister Plenipotentiary at the Court of Versailles, and the honorable John Jay, late President of Congress, and Chief Justice of the State of New York, and our Minister Plenipotentiary at the Court of Madrid, and the honorable Henry Laurens, formerly President of Congress, and commissioned and sent as our Agent to the United Provinces of the Low Countries, and the honorable Thomas Jefferson, Governor of the Commonwealth of Virginia, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, the said Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, in addition to the said John Adams, giving and granting to them, the said John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, or the majority of them, or of such of them as may assemble, or, in the case of the death, absence, indisposition, or other impediment of the others, to any one of them, full power and authority, general and special, conjunctly and separately, and general and special command to repair to such place as may be fixed upon for opening negotiations for peace, and there for us, and in our name, to confer, treat, agree, and conclude with the Ambassadors, Commissioners, and Plenipotentiaries of the Princes and States, whom it may concern, vested with equal powers relating to the establishment of peace, and whatsoever shall be agreed and concluded for us, and in our name to sign and thereupon make a treaty or treaties, and to transact everything, that may be necessary for completing, securing, and strengthening the great work of pacification, in as ample form, and with the same effect, as if we were personally present and acted therein, hereby promising in good faith, that we will accept, ratify, fulfil and execute whatever shall be agreed, concluded, and signed by our said Ministers Plenipotentiary, or a majority of them, or of such of them as may assemble, or, in case of the death, absence, indisposition, or other impediment of the others, by any one of them; and that we will never act, nor suffer any person to act, contrary to the same, in whole or in any part.

In witness whereof, we have caused these presents to be signed by our President, and sealed with his seal.

Done at Philadelphia, the fifteenth day of June, in the year of our Lord one thousand seven hundred and eightyone, and in the fifth year of our independence, by the United States in Congress assembled.

SAMUEL HUNTINGTON,
President.

COMMISSION TO ACCEPT THE MEDIATION OF THE EMPRESS OF RUSSIA AND THE EMPEROR OF GERMANY.

The United States of America to all to whom these presents shall come, send Greeting.

Whereas his Most Christian Majesty, our great and beloved friend and ally, has informed us by his Minister Plenipotentiary, whom he has appointed to reside near us, that their Imperial Majesties the Empress of Russia and the Emperor of Germany, actuated by sentiments of humanity, and a desire to put a stop to the calamities of war, have offered their mediation to the belligerent powers, in order to promote peace; now know ye, that we, desirous as far as depends upon us, to put a stop to the effusion of blood, and convince all the powers of Europe that we wish for nothing more ardently than to terminate this war by a safe and honorable peace; relying on the justice of our cause, and persuaded of the wisdom and equity of their Imperial Majesties, who have so generously interposed their good offices for promoting so salutary a measure; have appointed and constituted, and by these presents do constitute and appoint, our trusty and well beloved John Adams, late delegate in Congress, from the State of Massachusetts, and Benjamin Franklin, our Minister at the Court of France, John Jay, late President of Congress, and now our Minister at the Court of Madrid, Henry Laurens, formerly President of Congress, and commissioned and sent as our agent to the United Provinces of the Netherlands, and Thomas Jefferson, Governor of the Commonwealth of Virginia, our Ministers Plenipotentiary, giving and granting to them, or such of them as shall assemble, or in case of death, absence, indisposition, or other impediment, of the others, to any one of them, full power and authority in our name, and on our behalf, in concurrence with his Most Christian Majesty, to accept in due form, the mediation of their Imperial Majesties the Empress of Russia and the Emperor of Germany.

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In testimony whereof, we have caused these presents to be signed by our President, and sealed with his seal.

75

Done at Philadelphia this fifteenth day of June, in the year of our Lord one thousand seven hundred and eightyone, and in the fifth year of our independence.

By the United States in Congress assembled.

SAMUEL HUNTINGTON,
President.

INSTRUCTIONS TO THE COMMISSIONERS FOR PEACE.

In Congress, June 15th, 1781.

To the Honorable John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, Ministers Plenipotentiary in behalf of the United States, to negotiate a treaty of peace.

Gentlemen,

You are hereby authorised and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany.

You are to accede to no treaty of peace, which shall not be such as may 1st, effectually secure the independence and sovereignty of the Thirteen United States, according to the form and effect of the treaties subsisting between the said United States and his Most Christian Majesty; and 2dly, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries, and other particulars, we refer you to the instructions given to Mr John Adams, dated 14th of August, 1779, and 18th of October, 1780,^[5] from which you will easily perceive the desires and expectations of Congress. But we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject, than the two essential articles above mentioned. You are therefore at liberty to secure the interest of the United States, in such manner as circumstances may direct, and as the state of the belligerent, and the disposition of the mediating powers may require. For this purpose, you are to make the most candid and confidential communications upon all subjects to the Ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce, without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion, endeavoring in your whole conduct to make them sensible how much we rely upon his Majesty's influence for effectual aid in everything that may be necessary to the peace, security, and future prosperity of the United States of America.

76

If a difficulty should arise, in the course of the negotiation for peace, from the backwardness of Great Britain to acknowledge our independence, you are at liberty to agree to a truce, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the United States.

SAMUEL HUNTINGTON,
President.

FOOTNOTE:

[5] See these instructions in *John Adams's Correspondence*, Vol. IV p. 339; and *Secret Journal*, Vol. II. p. 339.

**THE KING'S WARRANT FOR RICHARD OSWALD'S FIRST COMMISSION
FOR NEGOTIATING PEACE. [6]**

George R.

Our will and pleasure is, and we hereby authorise and command you forthwith to prepare a bill for our signature, to pass our great seal of Great Britain, in the words or to the effect following, viz;

77

George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and so forth. To our trusty and well beloved Richard Oswald, of our city of London, Esquire, Greeting. Whereas by virtue of an Act passed in the last session of Parliament, entitled "An Act to enable his Majesty to conclude a peace or truce with certain Colonies in North America therein mentioned," it is recited, 'that it is essential to the interest, welfare, and prosperity of Great Britain and the Colonies or Plantations of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, that peace, intercourse, trade and commerce, should be restored between them;' Therefore, and for a full manifestation of our most earnest wish and desire, and that of our Parliament to put an end to the calamities of war, it is enacted, that it should and might be lawful for us to treat, consult of, agree and conclude, with any Commissioner or Commissioners, named or to be named, by the said Colonies or Plantations, or with any body or bodies, corporate or politic, or any assembly or assemblies or description of men, or any person or persons whatsoever, a peace or truce with the said Colonies or Plantations, or any of them, or any part or parts thereof, any law, act, or acts of Parliament, matter or thing, to the contrary in anywise notwithstanding.

Now know ye that we, reposing special trust in your wisdom, loyalty, diligence, and circumspection in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute and assign you, the said Richard Oswald, to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities, hereby intrusted and committed to you, the said Richard Oswald, and to do, perform, and execute all other matters and things, hereby enjoined and committed to your care, during our will and pleasure, and no longer, according to the tenor of these our letters patent. And it is our royal will and pleasure, and we hereby authorise, empower, and require you, the said Richard Oswald, to treat, consult, and conclude with any Commissioner or *Commissioners, named or to be named, by the said Colonies or Plantations, and any body or bodies, corporate or politic, assembly or assemblies, or descriptions of men, or person or persons, whatsoever, a peace or truce with the said Colonies or Plantations, or any of them, or any part or parts thereof;* any law, act or acts of Parliament, matter or thing, to the contrary notwithstanding.

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And it is our further will and pleasure, that every regulation, provision, matter or thing, which shall have been agreed upon between you, the said Richard Oswald, and such *Commissioner or Commissioners, body or bodies, corporate or politic, assembly or assemblies, descriptions of men, person or persons as aforesaid,* with whom you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal, on one side, and *by such seal or other signatures on the other as the occasion may require, and as may be suitable to the character and authority of the Commissioner or Commissioners, &c. as aforesaid so agreeing,* and such instruments so authenticated shall be by you transmitted to us through one of our principal Secretaries of State.

79

And it is our further will and pleasure, that you, the said Richard Oswald, shall promise and engage for us and in our royal name and word, that every regulation, provision, matter, or thing, which may be agreed to and concluded by you, our said Commissioner, shall be ratified and confirmed by us in the fullest manner and extent, and that we will not suffer them to be violated or counteracted either in whole or in part by any person whatsoever. And we hereby require and command all our officers, civil and military, and all others our loving subjects whatever, to be aiding and assisting unto you, the said Richard Oswald, in the execution of this our commission, and of the powers and authorities herein contained; provided always, and we hereby declare and ordain, that the several offices, powers and authorities hereby granted shall cease, determine, and become utterly null and void, on the first day of July, which shall be in the year of our Lord one thousand seven hundred and eightythree, although we shall not otherwise in the meantime have revoked and determined the same, in witness, &c. And for so doing this shall be your warrant.

Given at our Court of St James, the twentyfifth day of July, one thousand seven hundred and

THOMAS TOWNSHEND.

To our Attorney or Solicitor-General.

FOOTNOTES:

[6] The parts of this Commission, which were objected to by the American Commissioners are printed in italics.

[7] This commission was signed by the King on the 7th of August.

RICHARD OSWALD'S SECOND COMMISSION FOR NEGOTIATING PEACE.

[8]

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and so forth. To our trusty and well beloved Richard Oswald, of our city of London, Esquire, Greeting. Whereas, by virtue of an Act passed in the last session of Parliament, entitled "An Act to enable his Majesty to conclude a peace or truce with certain colonies in North America therein mentioned," it is recited, 'that it is essential to the interest, welfare and prosperity of Great Britain and the Colonies or Plantations of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in North America, that peace, intercourse, trade and commerce should be restored between them;' Therefore, and for a full manifestation of our earnest wish and desire, and of that of our Parliament, to put an end to the calamities of war, it is enacted, that it should and might be lawful for us to treat, consult of, agree and conclude, with any Commissioner or Commissioners, named or to be named by the said Colonies or Plantations, or any of them respectively, or with any body or bodies, corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or a truce with the said Colonies or Plantations, or any of them, or any part or parts thereof; any law, act, or acts of Parliament, matter or thing to the contrary, in anywise, notwithstanding.

Now know ye, that we, reposing special trust in your wisdom, loyalty, diligence and circumspection, in the management of the affairs to be hereby committed to your charge, have nominated and appointed, constituted and assigned, and by these presents do nominate and appoint, constitute and assign you, the said Richard Oswald to be our Commissioner in that behalf, to use and exercise all and every the powers and authorities hereby intrusted and committed to you, the said Richard Oswald, and to do, perform, and execute all other matters and things hereby enjoined and committed to your care, during our will and pleasure, and no longer, according to the tenor of these our letters patent. And it is our royal will and pleasure, and we do hereby authorise, empower, and require you, the said Richard Oswald, to treat of, consult, and conclude with any *Commissioners or persons vested with equal powers, by and on the part of the Thirteen United States of America, viz. New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, a peace or a truce with the said Thirteen United States;* any law, act, or acts of Parliament, matter or thing to the contrary, in anywise, notwithstanding.

And it is our further will and pleasure, that every regulation, provision, matter or thing, which shall have been agreed upon between you, the said Richard Oswald, and such *Commissioners or persons as aforesaid*, with whom you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by your hand and seal on one side, *and by the hands and seals of such Commissioners or persons on the other*, and such instrument so authenticated shall be by you transmitted to us, through one of our principal Secretaries of State.

And it is our further will and pleasure, that you, the said Richard Oswald, shall promise and engage for us and in our royal name and word, that every regulation, provision, matter or thing, which may be agreed to, and concluded by you, our said Commissioner, shall be ratified and confirmed by us in the fullest manner and extent, and that we will not suffer them to be violated or counteracted, either in whole or in part, by any person whatsoever. And we do hereby require and command all our officers civil and military, and all others our loving subjects whatsoever, to be aiding and assisting unto you, the said Richard Oswald, in the execution of this our commission, and of the powers and authorities herein contained; provided always, and we do hereby declare and ordain, that the several offices, powers and authorities hereby granted, shall cease, determine, and become utterly null and void, on the first day of July, which shall be in the year of our Lord one thousand seven hundred and eightythree; although we shall not otherwise in the meantime have revoked and determined the same.

And whereas in and by our commission and letters patent under our great seal of Great Britain, bearing date the seventh day of August last, we nominated and appointed, constituted and assigned you, the said Richard Oswald, to be our Commissioner to treat, consult of, agree and conclude, with any Commissioner or Commissioners, named or to be named, by certain Colonies or Plantations in America therein specified, a peace or a truce with the said Colonies or Plantations; now know ye, that we have revoked and determined, and by these presents do revoke and determine our said commission and letters patent, and all and every power, article and thing therein contained. In witness whereof we have caused these our letters to be made patent.

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Witness ourself at Westminster, the twentyfirst day of September, in the twentysecond year of our reign. By the King himself.

YORKE.

Paris, October 1st, 1782. I certify that the adjoining is a true copy of the commission of which it purports to be a copy, and which has been shown to Mr Franklin and Mr Jay.

RICHARD OSWALD,
*The Commissioner therein
named.*

FOOTNOTE:

[8] The parts of this Commission, which were altered or added, in consequence of the objections of the American Commissioners to Mr Oswald's first commission, are printed in italics.

COMMISSION TO WILLIAM T. FRANKLIN.

To all to whom these Presents shall come, Benjamin Franklin and John Jay send Greeting.

Whereas the United States of America, in Congress assembled, did on the 15th of June, in the year of our Lord 1781, appoint and constitute the said Benjamin Franklin, John Jay, John Adams, Henry Laurens, and Thomas Jefferson, and the majority of them, and of such of them as should assemble for the purpose, their Commissioners and Plenipotentiaries, to treat of, and conclude peace in their behalf; and whereas the said United States, in Congress assembled, did on the 26th of June, in the year of our Lord 1781, appoint Francis Dana, until he could proceed to the Court of Petersburg, either in a public or private capacity, to be Secretary to the said Plenipotentiaries for negotiating a peace with Great Britain, and in case Mr Dana should have proceeded, or thereafter proceed to Petersburg, or to any part of the dominions of the Empress of Russia, the Ministers appointed by the said act of Congress of the 15th of June, 1781, or a majority of such of them as should assemble, should be, and thereby were, authorised to appoint a Secretary to their commission, and that he be entitled to receive, in proportion to his time of service, the salary of one thousand pounds sterling per annum allowed to Mr Dana. And whereas his Britannic Majesty has issued a commission, dated the 21st of September, 1782, to Richard Oswald, to treat of, and conclude peace with any Commissioners, or persons vested with equal powers, by, and on the part of the Thirteen United States of America; and whereas the said Richard Oswald is at Paris, ready to execute his said commission, and has exchanged with the said Benjamin Franklin and John Jay, copies of their respective commissions, and entered on the business of the same, whereby the appointment of a Secretary to the American commission has become necessary, and the said Mr Dana now being at Petersburg, the right of appointing such Secretary has, in pursuance of the afore-recited act of Congress, devolved on the said Commissioners, and on the majority of them, and of such of them as have assembled for the purpose of executing their said commission; and whereas Mr Jefferson, one of the said Commissioners, has not come to Europe, and Mr Laurens, another of them, has declined to accept the said office, and Mr Adams, another of them, is at the Hague, so that the said Benjamin Franklin and John Jay are the only Commissioners now assembled to execute the said commission;

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85

Now know ye, that they, reposing special trust and confidence in the ability and integrity of William T. Franklin, to perform and fulfil the duties of Secretary to their said commission, have appointed and constituted, and by these presents do appoint and constitute the said William T. Franklin, Secretary to the said commission.

In witness whereof, the said Benjamin Franklin and John Jay, have hereunto set their hands and seals, this first day of October, in the year of our Lord one thousand seven hundred and eightytwo, and in the seventh year of the independence of the said United States.

B. FRANKLIN,
JOHN JAY.

Approved on my part, Mr Franklin having acted with propriety as Secretary to the commission from the time of my arrival here. Paris, January 10th, 1783.

HENRY LAURENS.

Approved on my part, Mr Franklin having acted with propriety as Secretary to the commission from the time of my arrival here. Paris, September 8th, 1783.

JOHN ADAMS.

RESOLUTIONS OF CONGRESS.

86

In Congress, October 3d, 1782.

On report of a Committee, to whom were referred notes of a conference with the Minister of France, held by a Committee of Congress on the 24th of September last,^[9]

Resolved, That the Minister Plenipotentiary of his Most Christian Majesty be informed;

That the communication, made by the said Minister on the 24th of September last, is considered by Congress as an additional proof of his Majesty's magnanimity, and has confirmed those sentiments of affection and confidence, which his wise, steady, and liberal conduct in every stage of the war had so justly inspired;

That his Most Christian Majesty's declaration to the British Minister at Paris, that he will neither treat, nor terminate any negotiation, unless the interests of his allies and friends shall be considered and determined, is entirely correspondent to the part, which these United States are resolved to take in any negotiations for peace;

That Congress, with the utmost satisfaction, embrace this opportunity to renew their assurances, that, in every event, the United States will inviolably adhere to their alliance with his Most Christian Majesty, which they consider to be equally essential to their interest and their glory;

That they will hearken to no propositions for peace, which shall not be discussed in confidence and in concert with his Most Christian Majesty, agreeably to the declaration made to the Minister Plenipotentiary on the 31st day of May last;^[10]

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That upon this principle, Congress did not hesitate a moment to reject the proposition made by the British General and Admiral, as Commissioners of peace, for admitting Mr Morgan, their Secretary, to an interview at Philadelphia;

And that they are resolved to prosecute the war with vigor, until a general peace shall be obtained, in which their allies shall be comprehended;

That Congress placed the utmost confidence in his Majesty's assurances, that he will readily employ his good offices in support of the United States, in all points relative to their prosperity; and considering the territorial claims of these States, as heretofore made, their participation of the fisheries and of the free navigation of the Mississippi, not only as their indubitable right, but as essential to their prosperity, they trust, that his Majesty's efforts will be successfully employed to obtain a sufficient provision and security for those rights. Nor can they refrain from making known to his Majesty, that any claim of restitution, or compensation for property confiscated in the several States, will meet with insuperable obstacles; not only on account of the sovereignty of the individual States, by which such confiscations have been made, but of the wanton devastations, which the citizens of these States have experienced from the enemy, and, in many instances, from the very persons in whose favor such claim may be urged;

That Congress trust that the circumstances of the allies, at the negotiation for peace, will be so prosperous as to render these expectations consistent with the spirit of moderation recommended by his Majesty.

88

Ordered, That the Committee, who brought in the report, communicate to the honorable Minister of France the above answer of Congress to his communications.

Ordered, That the Secretary for Foreign Affairs transmit, by the first opportunity, a copy of the same to the Ministers of these States at foreign Courts.

FOOTNOTES:

[9] See these Notes of a Conference in the *Secret Journals of Congress*, Vol. III. p. 218.

[10] *Secret Journal*, Vol. III. p. 138.

ARTICLES AGREED ON BETWEEN THE AMERICAN AND BRITISH COMMISSIONERS. [11]

October 8th, 1782.

Articles agreed upon by and between Richard Oswald, the Commissioner of his Britannic Majesty, for treating of peace with the Commissioners of the United States of America, on the behalf of his said Majesty on the one part, and Benjamin Franklin and John Jay, of the Commissioners of the said States, for treating of peace with the Commissioner of his said Majesty on their behalf, on the other part.

To be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded, until his Britannic Majesty shall have agreed to the terms of peace between France and Britain, proposed or accepted by his Most Christian Majesty; and shall be ready to conclude with him such treaty accordingly. It being the duty and intention of the United States not to desert their ally, but faithfully, and in all things to abide by, and fulfil their engagements with his Most Christian Majesty. 89

Whereas reciprocal advantages and mutual convenience are found by experience, to form the only permanent foundation of peace and friendship between States, it is agreed to frame the articles of the proposed treaty, on such principles of liberal equality and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both the blessings of perpetual peace and harmony. 1st. His Britannic Majesty acknowledges the said United States viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof; and that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are, and shall remain to be their boundaries, viz.

The said States are bounded north, by a line to be drawn from the northwest angle of Nova Scotia, along the high lands, which divide those rivers which empty themselves into the river St Lawrence, from those which fall into the Atlantic ocean, to the northernmost head of Connecticut river; thence down along the middle of that river to the fortyfifth degree of north latitude, and thence due west in the latitude fortyfive degrees north from the equator, to the northwesternmost side of the river St Lawrence, or Cadaraqui; thence straight to the south end of the lake Nipissing, and thence straight to the source of the river Mississippi, west by a line to be drawn along the middle of the river Mississippi, from its source to where the said line shall intersect the thirtyfirst degree of north latitude; south by a line to be drawn due east from the termination of the line last mentioned, in the latitude of thirtyone degrees north of the equator to the middle of the river Apalachicola or Catahouchi; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St Mary's river; thence down along the middle of St Mary's river to the Atlantic ocean; and east by a line to be drawn along the middle of St John's river, from its source to its mouth in the Bay of Fundy; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean. 90

2dly. From and immediately after the conclusion of the proposed treaty, there shall be a firm and perpetual peace between his Britannic Majesty and the United States, and between the subjects of the one and the citizens of the other; wherefore all hostilities, both by sea and land, shall then immediately cease; all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall forthwith, and without causing any distinction, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor, within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to either of the said States, or their citizens, which in the course of the war, may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper States and persons to whom they belong. 91

3dly. That the subjects of his Britannic Majesty and people of the said United States, shall continue to enjoy unmolested, the right to take fish of every kind on the banks of Newfoundland, and other places where the inhabitants of both countries used formerly, to wit, before the last war between France and Britain, to fish and also to dry and cure the same at the accustomed places, whether belonging to his said Majesty or to the United States; and his Britannic Majesty and the said United States will extend equal privileges and hospitality to each other's fishermen as to their own.

4thly. That the navigation of the river Mississippi, from its source to the ocean, shall forever

remain free and open, and that both there, and in all rivers, harbors, lakes, ports, and places, belonging to his Britannic Majesty or to the United States, or in any part of the world, the merchants and merchant ships, of the one and the other, shall be received, treated, and protected, like the merchants and merchant ships of the sovereign of the country. That is to say, the British merchants and merchant ships, on the one hand, shall enjoy in the United States, and in all places belonging to them, the same protection and commercial privileges, and be liable only to the same charges and duties as their own merchants and merchant ships; and on the other hand, the merchants and merchant ships of the United States, shall enjoy in all places belonging to his Britannic Majesty, the same protection and commercial privileges and be liable only to the same charges and duties of British merchants and merchant ships, saving always to the chartered trading companies of Great Britain, such exclusive use and trade, and their respective posts and establishments, as neither the subjects of Great Britain, nor any of the more favored nations participate in.

92

Paris, October 8th, 1782. A true copy of which has been agreed on between the American Commissioners and me, to be submitted to his Majesty's consideration.

RICHARD OSWALD.

Alteration to be made in the treaty, respecting the boundaries of Nova Scotia, viz. East, the true line between which and the United States shall be settled by Commissioners, as soon as conveniently may be after the war.

FOOTNOTE:

[11] These Articles were sent to England for the King's consideration. See *Franklin's Correspondence*, Vol. IV. p. 49.

RICHARD OSWALD TO THE COMMISSIONERS.

Paris, November 4th, 1782.

Gentlemen,

You may remember, that from the very beginning of our negotiations for settling a peace between Great Britain and America, I insisted that you should positively stipulate for a restoration of the property of all those persons, under the denomination of loyalists or refugees, who have taken part with Great Britain in the present war; or if the property had been resold and passed into such variety of hands, as to render the restoration impracticable, (which you asserted to be the case in many instances) you should stipulate for a compensation or indemnification to those persons, adequate to their losses. To these propositions you said you could not accede. Mr Strachey, since his arrival at Paris, has most strenuously joined me in insisting upon the said restitution, compensation, or indemnification, and in laying before you every argument in favor of those demands, founded upon national honor, and upon the true principles of justice. These demands you must have understood to extend, not only to all persons of the above mentioned description, who have fled to Europe, but likewise to all those who may be now in any parts of North America, dwelling under the protection of his Majesty's arms or otherwise.

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We have also insisted upon a mutual stipulation for a general amnesty on both sides, comprehending thereby an enlargement of all persons, who on account of offences, committed or supposed to be committed, since the commencement of hostilities, may be now in confinement; and for an immediate repossession of their properties, and peaceable enjoyment thereof, under the government of the United States. To this you have not hitherto given a particular or direct answer.

It is, however, incumbent on me, as Commissioner of the King of Great Britain, to repeat those several demands; and without going over those arguments upon paper, (which we have so often urged in conversation,) to press your immediate attention to these subjects, and to urge you to enter into proper stipulations for the restitution, compensation, and amnesty above mentioned, before we proceed further in this negotiation.

I have the honor to be, &c.

RICHARD OSWALD.

ARTICLES TAKEN TO ENGLAND BY MR STRACHEY. [12]

94

November 5, 1782.

Articles agreed upon by and between Richard Oswald, Commissioner of his Britannic Majesty, for treating of peace with the Commissioners of the United States of America, on behalf of his said Majesty on the one part; and John Adams, Benjamin Franklin, and John Jay, three of the Commissioners of the said States, for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part, to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty is not to be concluded until his Britannic Majesty shall have agreed to the terms of a peace between France and Britain, proposed or accepted of by his Most Christian Majesty, and shall be ready to conclude with him such treaty accordingly; it being the duty and intention of the United States not to desert their ally, but faithfully and in all things to abide by and fulfil their engagements with his Most Christian Majesty.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equality and reciprocity as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established as to promise and secure to both perpetual peace and harmony.

His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall remain to be their boundaries, viz.

From the northwest angle of Nova Scotia, being that angle which is formed by a line drawn due north from the source of St Croix river to the highlands which divide the rivers which empty themselves into the river St Lawrence from those which fall into the Atlantic ocean, and along the said highlands to the northwesternmost head of Connecticut river, thence down along the middle of that river to the 45th degree of north latitude, following the said latitude until it strikes the river Mississippi; thence by a line, to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the 31st degree of latitude north of the equator; south, by a line to be drawn due east from the termination of the line last mentioned in the latitude of the 31st degree to the middle of the river Apalachicola or Catahouchi, thence along the middle thereof to its junction with the Flint river, thence straight to the head of St Mary's river, and thence down along the middle of St Mary's river to the Atlantic ocean; east, by a line from the mouth of said St Mary's river to the mouth of the river St Croix in the Bay of Fundy, and by a line drawn through the middle of said river to its source, and from its source directly north to the aforesaid highlands, which divide the rivers which fall into the Atlantic ocean from those which empty themselves into the river St Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries of St Croix river and St Mary's river shall respectively touch the Bay of Fundy and the Atlantic ocean.

It is agreed, that all such royalists or refugees, as well as all such British merchants or other subjects as may be resident in any of the United States at the time of the evacuation thereof by the arms and garrisons of his Britannic Majesty, shall be allowed six months thereafter to remove to any part of the world; and also, at their election, to dispose of, within the said term, or to carry with them their goods and effects. And it is understood, that the said States shall extend such further favor to the said merchants, and such amnesty and clemency to the said refugees, as their respective circumstances and the dictates of justice and humanity may render just and reasonable; and particularly, that amnesty and indemnity be granted to all such of the said refugees, as may be unaffected by acts, judgments, or prosecutions, actually passed or commenced a month previous to such evacuation.

That the subjects of his Britannic Majesty and the people of the said United States, shall continue to enjoy unmolested, the right to take fish of every kind on all the Banks of Newfoundland, also in the Gulf of St Lawrence, and all other places where the inhabitants of both countries used at any time heretofore to fish; and also to dry and cure their fish on the shores of the Isle of Sables, Cape Sables, and the shores of any of the unsettled bays, harbors or creeks of Nova Scotia, and of the Magdalen Islands. And his Britannic Majesty and the said United States will extend equal privileges and hospitality to each other's fishermen as to their own.

Whereas certain of the United States, excited thereto by the unnecessary destruction of private property, have confiscated all debts due from their citizens to British subjects; and also in certain instances, lands belonging to the latter; and whereas, it is just that private contracts made between individuals of the two countries before the war, should be faithfully executed; and as the confiscation of the said lands may have a latitude not justifiable by the law of nations, it is agreed, that British creditors shall, notwithstanding, meet with no lawful impediment to recovering the full value or sterling amount of such *bona fide* debts as were contracted before the year 1775. And also, that Congress will recommend to the said States, so to correct (if necessary) their said acts respecting the confiscation of the lands in America, belonging to real British subjects, as to render the said acts consistent with perfect justice and equity. As to the

cession made of certain lands in Georgia, by a number of Indians there, on the 1st of June, 1773, for the purpose of paying the debts due from them to a number of traders, the American Commissioners say, that the State of Georgia is alone competent to consider and decide on the same; for that it being a matter of internal police, with which neither Congress nor their Commissioners are authorised to interfere, it must of necessity be referred to the discretion and justice of that State, who, without doubt, will be disposed to do what may be just and reasonable on the subject.

98

Similar reasons and considerations constrain the Commissioners to give the like answer to the case of Mr Penn's family.

From and immediately after the conclusion of the proposed treaty, there shall be a perpetual and firm peace, &c. (the same as the second article in the preceding set of articles.)

That the navigation of the river Mississippi from its source to the ocean, shall forever remain free and open.

SEPARATE ARTICLE. It is hereby understood and agreed, that in case Great Britain at the conclusion of the present war shall be, or be put in possession of West Florida, the line of north boundary between the said Province and the United States, shall be a line drawn from the mouth of the river Yazoo, where it unites with the Mississippi, due east to the river Apalachicola, and thence along the middle of that river to its junction with the Flint river, &c.

FOOTNOTE:

[12] These Articles were agreed to after the return of the first set, which had been sent to England October 8th. See above p. [80](#).

H. STRACHEY TO THE COMMISSIONERS.

Paris, November 5th, 1782.

Gentlemen,

Knowing the expectation of the King's Ministers, that a full indemnity shall be provided for the whole body of refugees, either by a restitution of their property or by some stipulated compensation for their losses, and being confident, as I have repeatedly assured you, that your refusal upon this point will be the great obstacle to a conclusion and ratification of that peace, which is meant as a solid perfect, permanent reconciliation and reunion between Great Britain and America, I am unwilling to leave Paris without once more submitting the matter to your consideration. It affects equally, in my opinion, the honor and the humanity of your country and of ours. How far you will be justified in risking every favorite object of America, by contending against those principles, is for you to determine. Independence, and more than a reasonable possession of territory, seem to be within your reach. Will you suffer them to be outweighed by the gratification of resentment against individuals? I venture to assert, that such a conduct has no parallel in the history of civilized nations.

99

I am under the necessity of setting out by two o'clock today; if the time is too short for your reconsideration, and final determination of this important point, I shall hope that you will enable Mr Oswald to despatch a messenger after me, who may be with me before morning at Chantilly, where I propose sleeping tonight, or who may overtake me before I arrive in London, with a satisfactory answer to this letter.

I have the honor to be, &c.

H. STRACHEY.

TO RICHARD OSWALD.

Paris, November 5th, 1782.

Sir,

In answer to the letter you did us the honor to write on the 4th instant, we beg leave to repeat what we often said in conversation, viz; that the restoration of such of the estates of refugees as have been confiscated is impracticable, because they were confiscated by laws of particular States, and in many instances have passed by legal titles through several hands. Besides, Sir, as this is a matter evidently appertaining to the internal polity of the separate States, the Congress, by the nature of our constitution, have no authority to interfere with it.

100

As to your demand of compensation to those persons, we forbear enumerating our reasons for thinking it ill founded. In the moment of conciliatory overtures, it would not be proper to call certain scenes into view, over which a variety of considerations should induce both parties at present to draw a veil. Permit us therefore only to repeat, that we cannot stipulate for such compensation, unless on your part it be agreed, to make retribution to our citizens for the heavy losses they have sustained by the unnecessary destruction of private property.

We have already agreed to an amnesty more extensive than justice required, and full as extensive as humanity could demand. We can therefore only repeat that it cannot be extended farther. We should be sorry, if the absolute impossibility of our complying further with your propositions, should induce Great Britain to continue the war for the sake of those who caused and prolonged it. But if that should be the case, we hope that the utmost latitude will not be again given to its rigors.

Whatever may be the issue of this negotiation, be assured, Sir, that we shall always acknowledge the liberal, manly, and candid manner in which you have conducted it, and that we shall remain, with the warmest sentiments of esteem and regard, Sir, your most obedient and very humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

TO H. STRACHEY.

101

Paris, November 6th, 1782.

Sir,

We have been honored with your favor of the 5th inst., and as our answer to a letter we received from Mr Oswald on the same subject contains our unanimous sentiments respecting it, we take the liberty of referring you to the enclosed copy of that answer.

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

Third Set of Articles.

Monday, November 25th, 1782. The three Commissioners, Adams, Franklin, and Jay, met at Mr Oswald's lodgings at the *Hôtel de Muscovie*, and after some conferences Mr Oswald delivered them the following Articles, as fresh proposals of the British Ministry, sent by Mr Strachey, viz;

Articles agreed upon by and between Richard Oswald, the Commissioner of his Britannic Majesty, for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty, on the one part, and John Adams, Benjamin Franklin, and John Jay, three of the Commissioners of the said States, for treating of peace with the Commissioner of his said Majesty, on their behalf on the other part, to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty is not to be concluded, until the terms of a peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly.

102

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the Articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages, (those seeds of discord,) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

ARTICLE I. His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States, that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof; and, that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz;

ARTICLE II. From the northwest angle of Nova Scotia, viz; that angle which is formed by a line drawn due north from the source of St Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataroquy; thence along the middle of said river into Lake Ontario, through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie; thence along the middle of said communication, into Lake Erie, through the middle of said Lake, until it arrives at the water communication between that Lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of the said Lake, to the water communication between that Lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Philippeaux to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most northwestern point thereof; and from thence on a due western course to the river Mississippi, thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator to the middle of the river Apalachicola, or Catahouchi; thence along the middle thereof to its junction with the Flint river, thence straight to the head of St Mary's river; and thence down along the middle of St Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St Lawrence; comprehending all Islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the point where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such Islands as now are, or heretofore have been, within the limits of the said Province of Nova Scotia.

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ARTICLE III. The citizens of the said United States shall have *the liberty* of taking fish of every kind on all the banks of Newfoundland, and also in the Gulf of St Lawrence; and also to dry and cure their fish on the shores of the Isle of Sables and on the shores of any of the unsettled bays, harbors and creeks of the Magdalen Islands, in the Gulf of St Lawrence, so long as such bays, harbors and creeks shall continue and remain unsettled; on condition that the citizens of the said United States do not exercise the fishery, but at the distance of three leagues from all the coast belonging to Great Britain, as well those of the continent as those of the islands situated in the Gulf of St Lawrence. And as to what relates to the fishery on the coast of the Island of Cape Breton out of the said gulf, the citizens of the said United States shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coasts of the Island of Cape Breton.

ARTICLE IV. It is agreed, that the British creditors shall meet with no lawful impediment to the recovery of the full value, in sterling money, of such *bona fide* debts as were contracted by any persons who are citizens of the United States, before the year 1775.

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ARTICLE V. It is agreed, that restitution shall be made of all estates, rights and properties in America, which have been confiscated during the war.

ARTICLE VI. There shall be a full and entire amnesty of all acts and offences, which have been or may be supposed to have been committed on either side, by reason of the war, and in the course thereof; and no one shall hereafter suffer in life or person, or be deprived of his property, for the part he may have taken therein. All persons in confinement on that account, shall immediately on the ratification of the treaty in America, be set at liberty; all prosecutions which may be depending in consequence of any of the said offences, shall cease, and no fresh prosecutions shall at any time hereafter be commenced thereupon.

ARTICLE VII. There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one, and the citizens of the other; wherefore all hostilities both by sea and land shall then immediately cease; all prisoners on both sides shall be set at liberty; and his Britannic Majesty shall with all convenient speed and without causing any destruction, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbor within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records and papers, belonging to any of the said States or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

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ARTICLE VIII. The navigation of the Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and citizens of the United States.

SEPARATE ARTICLE. It is hereby understood and agreed, that in case Great Britain, at the end of the present war, shall be, or be put in possession of West Florida, the line of north boundary between the said province and the United States, shall be a line drawn from the mouth of the river Yazoo, where it unites with the river Mississippi, due east to the river Apalachicola.

**ARTICLE PROPOSED AND READ TO THE COMMISSIONERS, BEFORE
SIGNING THE PRELIMINARY ARTICLES. [13]**

It is agreed, that his Britannic Majesty will earnestly recommend it to his Parliament to provide for and make a compensation to the merchants and shopkeepers of Boston, whose goods and merchandise were seized and taken out of their stores, warehouses and shops, by order of General Gage and others of his commanders and officers there; and also to the inhabitants of Philadelphia, for the goods taken away by his army there; and to make compensation, also, for the tobacco, rice, indigo, and negroes, &c. seized and carried off by his armies under Generals Arnold, Cornwallis, and others, from the States of Virginia, North and South Carolina, and Georgia, and also for all vessels and cargoes, belonging to the inhabitants of the said United States, which were stopped, seized, or taken, either in the ports, or on the seas, by his Governors, or by his ships of war, before the declaration of war against the said States. 107

And it is farther agreed, that his Britannic Majesty will also earnestly recommend it to his Parliament to make compensation for all the towns, villages, and farms, burnt and destroyed by his troops, or adherents, in the said United States.

FACTS.

There existed a free commerce, upon mutual faith, between Great Britain and America. The merchants of the former credited the merchants and planters of the latter, with great quantities of goods, on the common expectation, that the merchants, having sold the goods, would make the accustomed remittances; that the planters would do the same by the labor of their negroes, and the produce of that labor, tobacco, rice, indigo, &c.

England, before the goods were sold in America, sends an armed force, seizes those goods in the stores; some even in the ships that brought them, and carries them off; seizes, also, and carries off the tobacco, rice, and indigo, provided by the planters to make returns, and even the negroes, from whose labor they might hope to raise other produce for that purpose. 108

Britain now demands that the debts shall, nevertheless, be paid.

Will she, can she, justly, refuse making compensation for such seizures?

If a draper, who had sold a piece of linen to a neighbor on credit, should follow him, take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debt, without ordering a restitution of the cloth?

Will not the debtors in America cry out, that, if this compensation be not made, they were betrayed by the pretended credit, and are now doubly ruined; first, by the enemy, and then by the negotiators at Paris, the goods and negroes sold them being taken from them, with all they had besides, and they are now to be obliged to pay for what they have been robbed of?

FOOTNOTE:

[13] This *Article*, and the *Facts* which follow, were drawn up by Dr Franklin, and intended to be insisted on, in case the British Commissioners persevered in their demands respecting the fisheries. See *Franklin's Correspondence*, Vol. IV. p. 50.

TO M. DE LAFAYETTE,

Paris, November 28th, 1782.

Sir,

We have received the letter you did us the honor to write on the 25th instant.

Our country has had early and repeated proofs both of your readiness and abilities to do her service. The prospect of an inactive campaign in America induced us to adopt the opinion, that you might be more useful here than there; especially, in case the negotiation for peace, on the part of France in England, should be committed to your management; for your knowledge of our affairs and attachment to our interest, might have been very advantageous to us on such an occasion. But as an opportunity now offers of your being instrumental in producing a co-operation, which would, probably, put a glorious and speedy termination to the war in America, we, for our part, perfectly approve of your going with Count d'Estaing, in the manner proposed. 109

We have the honor to be, &c. &c.

PROVISIONAL ARTICLES OF PEACE.

Articles agreed upon by and between Richard Oswald, Esq. the Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said States for treating of peace with the Commissioner of his said Majesty, on their behalf, on the other part; to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States. But which treaty is not to be concluded, until terms of peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

ARTICLE I. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such; and, for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof; and that all disputes, which might arise in future on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.

ARTICLE II. From the northwest angle of Nova Scotia, viz. that angle, which is formed by a line drawn due north, from the source of St Croix river to the highlands, along the highlands which divide those rivers that empty themselves into the river St Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataroquy; thence along the middle of said river into Lake Ontario; through the middle of said Lake until it strikes the communication by water, between that Lake and Lake Erie; thence along the middle of said communication into Lake Erie; through the middle of said Lake until it arrives at the water communication between that Lake and Lake Huron, thence along the middle of said water communication into the Lake Huron; thence through the middle of said Lake, to the water communication between that Lake and Lake Superior; thence through Lake Superior, northward of the Isles Royal and Philippeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake, to the most northwestern point thereof; and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned in the latitude of 31st degree north of the equator, to the middle of the river Apalachicola or Catahouchi, thence along the middle thereof, to its junction with the Flint river, thence straight to the head of St Mary's river, to the Atlantic ocean. East by a line to be drawn along the middle of the river St Croix, from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States; and lying between lines to be drawn due east, from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean; excepting such islands as now are or heretofore have been within the limits of the said Province of Nova Scotia.

ARTICLE III. It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind, on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland, as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominion in America. And that the American fishermen shall have liberty to dry and cure fish, in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV. It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all *bona fide* debts, heretofore contracted.

ARTICLE V. It is agreed, that the Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties, of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, and properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

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ARTICLE VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

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ARTICLE VII. There shall be a firm and perpetual peace, between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall then immediately cease. All prisoners on both sides shall be set at liberty; and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, deeds, and papers belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

ARTICLE VIII. The navigation of the Mississippi river, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX. In case it should so happen, that any place or territory, belonging to Great Britain or the United States, should be conquered by the arms of either from the other, before the arrival of these Articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

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Done at Paris, the thirtieth day of November, in the year one thousand seven hundred and eightytwo.

RICHARD OSWALD,
JOHN ADAMS,
B. FRANKLIN,
JOHN JAY,
HENRY LAURENS.

Witness, CALEB WHITEFOORD,
Secretary to the British Commission.

W. T. FRANKLIN,
Secretary to the American Commission.

SEPARATE ARTICLE. It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover or be put in possession of West Florida; the line of north boundary between the said Province and the United States, shall be a line drawn from the mouth of the river Yazoo, where it unites with the Mississippi, due east, to the river Apalachicola.

Done at Paris, the thirtieth day of November, in the year one thousand seven hundred and eightytwo.

RICHARD OSWALD,
JOHN ADAMS,
B. FRANKLIN,
JOHN JAY,

Attest, CALEB WHITEFOORD,
Secretary to the British Commission.

W. T. FRANKLIN,
Secretary to the American Commission.

TO FRANCIS DANA AT PETERSBURG.

116

Paris, December 12th, 1782.

Sir,

We have the honor to congratulate you on the signature of the preliminary treaty of peace, between his Britannic Majesty and the United States of America, to be inserted in the definitive treaty when France and Britain shall have agreed upon their terms. The articles, of which we do ourselves the honor to enclose you a copy, were completed on the 30th of last month.

To us, at this distance, the present opportunity appears to be the most favorable for you to communicate your mission to the Ministers of the Empress of Russia, and to the Ministers of the other neutral powers residing at her Court, and if you have no objections, we presume you will wish to be furnished with the enclosed paper, to communicate at the same time.

We heartily wish you success, and if you should inform us of a fair prospect of it, we shall propose an article in the definitive treaty, to secure the freedom of navigation, according to the principles of the late marine treaty between the neutral powers.

With great respect, we have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

TO ROBERT R. LIVINGSTON.

117

Paris, December 14th, 1782.

Sir,

We have the honor to congratulate Congress on the signature of the preliminaries of a peace between the Crown of Great Britain and the United States of America, to be inserted in a definitive treaty so soon as the terms between the Crowns of France and Great Britain shall be agreed on. A copy of the Articles is here enclosed, and we cannot but flatter ourselves, that they will appear to Congress, as they do to all of us, to be consistent with the honor and interest of the United States, and we are persuaded Congress would be more fully of that opinion if they were apprized of all the circumstances and reasons which have influenced the negotiation. Although it is impossible for us to go into that detail, we think it necessary nevertheless to make a few remarks on such of the Articles, as appear most to require elucidation.

Remarks on Article 2d, relative to Boundaries.

The Court of Great Britain insisted on retaining all the territories comprehended within the Province of Quebec, by the Act of Parliament respecting it. They contended that Nova Scotia should extend to the river Kennebec; and they claimed not only all the lands in the western country and on the Mississippi, which were not expressly included in our charters and governments, but also all such lands within them as remained ungranted by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject.

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We knew this Court and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this Article; indeed they appear to leave us little to complain of, and not much to desire. Congress will observe, that although our northern line is in a certain part below the latitude of fortyfive, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

Remarks on Article 4th, respecting Creditors.

We had been informed that some of the States had confiscated British debts, but although each State has a right to bind its own citizens, yet in our opinion, it appertains solely to Congress, in

whom exclusively are vested the rights of making war and peace, to pass acts against the subjects of a power with which the Confederacy may be at war. It therefore only remained for us to consider, whether this Article is founded in justice and good policy.

In our opinion no acts of government could dissolve the obligations of good faith, resulting from lawful contracts between individuals of the two countries prior to the war. We knew that some of the British creditors were making common cause with the refugees, and other adversaries of our independence; besides, sacrificing private justice to reasons of State and political convenience, is always an odious measure; and the purity of our reputation in this respect, in all foreign commercial countries, is of infinitely more importance to us than all the sums in question. It may also be remarked, that American and British creditors are placed on an equal footing.

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Remarks on Articles 5th and 6th, respecting Refugees.

These Articles were among the first discussed, and the last agreed to. And had not the conclusion of this business, at the time of its date, been particularly important to the British administration, the respect, which both in London and Versailles, is supposed to be due to the honor, dignity and interest of royalty, would probably have forever prevented our bringing this Article so near to the views of Congress and the sovereign rights of the States as it now stands. When it is considered, that it was utterly impossible to render this Article perfectly consistent, both with American and British ideas of honor, we presume that the middle line adopted by this Article, is as little unfavorable to the former as any that could in reason be expected.

As to the Separate Article, we beg leave to observe, that it was our policy to render the navigation of the river Mississippi so important to Britain, as that their views might correspond with ours on that subject. Their possessing the country on the river, north of the line from the Lake of the Woods, affords a foundation for their claiming such navigation. And as the importance of West Florida to Britain was for the same reason rather to be strengthened than otherwise, we thought it advisable to allow them the extent contained in the Separate Article, especially as before the war it had been annexed by Britain to West Florida, and would operate as an additional inducement to their joining with us in agreeing, that the navigation of the river should forever remain open to both. The map used in the course of our negotiations was Mitchell's.

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As we had reason to imagine that the Articles respecting the boundaries, the refugees, and fisheries, did not correspond with the policy of this Court, we did not communicate the preliminaries to the Minister until after they were signed; and not even then the *Separate Article*. We hope that these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes, on perusing the Articles, appeared surprised, but not displeased, at their being so favorable to us.

We beg leave to add our advice, that copies be sent us of the accounts directed to be taken by the different States, of the unnecessary devastations and sufferings sustained by them from the enemy in the course of the war. Should they arrive before the signature of the definitive treaty they might possibly answer very good purposes.

With great respect we have the honor to be, Sir, your most obedient and most humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY,
HENRY LAURENS.

RESOLUTION OF CONGRESS RESPECTING COMMERCIAL STIPULATIONS.

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In Congress, December 31st, 1782.

On the report of the committee to whom was referred a letter of the 14th of October last, from the Minister Plenipotentiary at the Court of Versailles,

Resolved, That the Ministers Plenipotentiary for negotiating peace, be instructed, in any commercial stipulations with Great Britain, which may be comprehended in a treaty of peace, to endeavor to obtain for the citizens and inhabitants of the United States, a direct commerce to all parts of the British dominions and possessions, in like manner as all parts of the United States may be opened to a direct commerce of British subjects; or, at least, that such direct commerce be extended to all parts of the British dominions and possessions in Europe and the West Indies. And the said Ministers are informed that stipulations are particularly expected by Congress, in case the citizens and subjects of each party are to be admitted to an equality in matters of commerce with the natives of the other party.

ENGLISH COMMISSIONERS DECLARATION OF THE CESSATION OF HOSTILITIES.

Paris, January 20th, 1783.

DECLARATION.

Whereas the Preliminary Articles agreed to, and signed this day, between his Majesty, the King of Great Britain, and his Most Christian Majesty, on the one part, and also between his said Britannic Majesty and his Catholic Majesty, on the other part, stipulate a cessation of hostilities between those three powers, which is to commence upon the exchange of the ratifications of the said Preliminary Articles; and whereas by the provisional treaty signed on the thirtieth of November last, between his Britannic Majesty and the United States of North America, it was stipulated, that the said treaty should have its effect as soon as peace between the said Crowns should be established; the underwritten Minister Plenipotentiary of his Britannic Majesty declares, in the name and by the express order of the King, his master, that the said United States of North America, their subjects and their possessions, shall be comprised in the suspension of arms above mentioned, and that they shall, consequently, enjoy the benefit of the cessation of hostilities, at the same periods and in the same manner as the three Crowns aforesaid, and their subjects and possessions, respectively; on condition, however, that on the part, and in the name, of the said United States of North America, there shall be delivered a similar declaration, expressing their assent to the present suspension of arms, and containing an assurance of the most perfect reciprocity on their part.

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In faith whereof, we, the Minister Plenipotentiary of his Britannic Majesty, have signed this present declaration, and have thereto caused the seal of our arms to be affixed, at Versailles, this twentieth day of January, one thousand seven hundred and eightythree.

ALLEYNE FITZHERBERT.

Signature of the above Declaration by the American Commissioners.

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We, the underwritten, Ministers Plenipotentiary of the United States of North America, having received from Mr Fitzherbert, Minister Plenipotentiary of his Britannic Majesty, a declaration relative to a suspension of arms to be established between his said Majesty and the said States, of which the following is a copy, viz; [See the preceding Declaration.]

We have, in the name of the said United States of North America, and in virtue of the powers we are vested with, received the above declaration, and do accept the same by these presents, and we do reciprocally declare, that said States cause to cease all hostilities against his Britannic Majesty, his subjects and possessions, at the terms or periods agreed to between his said Majesty the King of Great Britain, his Majesty the King of France, and his Majesty the King of Spain, in the same manner as stipulated between those three Crowns, and to have the same effect.

In faith whereof, we, Ministers Plenipotentiary from the United States of America, have signed the present declaration, and have hereunto affixed the seals of our arms, at Versailles, the twentieth of January, one thousand seven hundred and eightythree.

JOHN ADAMS,
B. FRANKLIN.

BRITISH KING'S PROCLAMATION DECLARING A CESSATION OF ARMS.

124

By the King.

A proclamation, declaring the cessation of arms, as well by sea as land, agreed upon between his Majesty, the Most Christian King, the King of Spain, the States-General of the United Provinces, and the United States of America, and enjoining the observance thereof

George R.

Whereas Provisional Articles were signed at Paris, on the thirtieth day of November last, between our Commissioner for treating of peace with the Commissioners of the United States of America, and the Commissioners of the said States, to be inserted in, and to constitute the treaty of peace proposed to be concluded between us and the said United States, when terms of peace should be agreed upon between us and his Most Christian Majesty; and whereas preliminaries for restoring peace between us and his Most Christian Majesty were signed at Versailles on the twentieth day of January last, by the Ministers of us and the Most Christian King; and whereas preliminaries for restoring peace between us and the King of Spain were also signed at Versailles on the twentieth day of January last, between the Ministers of us and the King of Spain; and whereas for putting

an end to the calamity of war, as soon and as far as it may be possible, it has been agreed between us, his Most Christian Majesty, the King of Spain, the States-General of the United Provinces, and the United States of America, as follows, that is to say;

That such vessels and effects as should be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the said Preliminary Articles, should be restored on all sides; that the term should be one month from the Channel and the North Seas, as far as the Canary Islands inclusively, whether in the ocean or in the Mediterranean; two months from the said Canary Islands, as far as the equinoctial line or equator; and, lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or place;

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And whereas the ratifications of the said Preliminary Articles, between us and the Most Christian King, in due form were exchanged by the Ministers of us, and of the Most Christian King, on the third day of this instant February; and the ratifications of the said Preliminary Articles, between us and the King of Spain, were exchanged between the Ministers of us and of the King of Spain, on the ninth day of this instant February, from which days, respectively, the several terms above mentioned, of twelve days, of two months, and five months, are to be computed; and whereas, it is our royal will and pleasure, that the cessation of hostilities, between us and the States-General of the United Provinces, and the United States of America, should be agreeable to the epochs fixed between us and the Most Christian King;

We have thought fit, by and with the advice of our Privy Council, to notify the same to all our loving subjects; and we do declare that our royal will and pleasure is, and we do hereby strictly charge and command all our officers, both at sea and land, and all our other subjects whatsoever, to forbear all acts of hostility, either by sea or land, against his Most Christian Majesty, the King of Spain, the States-General of the United Provinces, and the United States of America, their vessels, or subjects, from and after the respective times above mentioned, and under the penalty of incurring our highest displeasure.

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Given at our Court at St James, the fourteenth day of February, in the twentythird year of our reign, and in the year of our Lord one thousand seven hundred and eightythree.

God save the King.

ALLEYNE FITZHERBERT TO THE COMMISSIONERS.

Paris, February 18th, 1783.

Gentlemen,

I have the honor to transmit to you herewith a packet, containing one hundred passports for American vessels, which I have this moment received by a courier from England.

I take this opportunity of acquainting you, that a proclamation was issued out in the King's name on the 14th instant, making known the cessation of hostilities, which has been agreed upon between the several belligerent powers; and declaring further, that the several epochas, at which the said armistice is to commence, between his Majesty and the United States of North America, are to be computed from the third day of this instant February, being the day on which the ratifications of the preliminaries were exchanged between his Majesty and the Most Christian King. I must add, that his Majesty was induced to take this step, under the firm expectation, that you, Gentlemen, will correspond to it on your parts, by adopting the same measure reciprocally, in the name of the States, your masters.

I have the honor to be, &c.

ALLEYNE FITZHERBERT.

AMERICAN COMMISSIONERS' DECLARATION OF THE CESSATION OF HOSTILITIES.

By the Ministers Plenipotentiary of the United States of America for making peace with Great Britain,

A DECLARATION

Of the cessation of arms, as well by sea as land, agreed upon between his Majesty the King of Great Britain and the United States of America.

Whereas Preliminary Articles were signed at Paris, on the thirtieth day of November last, between the Plenipotentiaries of his said Majesty the King of Great Britain and of the said States,

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to be inserted in, and to constitute the treaty of peace, to be concluded between his said Majesty and the said United States, when terms of peace should be agreed upon, between his said Majesty and his Most Christian Majesty. And whereas preliminaries for restoring peace, between his said Majesty the King of Great Britain and his Most Christian Majesty, were signed at Versailles, on the twentieth day of January last, by the respective Ministers of their said Majesties; and whereas preliminaries for restoring peace, between his said Majesty the King of Great Britain and his Majesty the King of Spain, were also signed at Versailles on the twentieth day of January last, by their respective Ministers; and whereas, for putting an end to the calamity of war, as soon and as far as possible, it has been agreed, between the King of Great Britain, his Most Christian Majesty, the King of Spain, the States-General of the United Provinces, and the United States of America, as follows, that is to say;

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That such vessels and effects as should be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the said Preliminary Articles, should be restored on all sides; that the term should be one month, from the Channel and North Seas as far as the Canary Islands, inclusively, whether the ocean or the Mediterranean; two months from the said Canary Islands, as far as the Equinoctial Line, or Equator; and, lastly, five months in all other parts of the world, without any exception, or any other more particular description of time or place;

And whereas the ratifications of the said Preliminary Articles between his said Majesty the King of Great Britain and his Most Christian Majesty, in due form were exchanged by their Ministers, on the third day of this instant February, from which day the several terms abovementioned, of twelve days, of one month, of two months, and of five months, are to be computed, relative to all British and American vessels and effects;

Now, therefore, we, the Ministers Plenipotentiary from the United States of America, for making peace with Great Britain, do notify to the people and citizens of the said United States of America, that hostilities on their part against his Britannic Majesty, both by sea and land, are to cease at the expiration of the terms herein before specified therefor, and which terms are to be computed from the third day of February instant. And we do, in the name and by the authority of the said United States, accordingly warn and enjoin all their officers and citizens, to forbear all acts of hostility whatever, either by land or by sea, against his said Majesty the King of Great Britain, or his subjects, under the penalty of incurring the highest displeasure of the said United States.

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Given at Paris, the twentieth day of February, in the year of our Lord one thousand seven hundred and eightythree, under our hands and seals.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

ROBERT R. LIVINGSTON TO THE COMMISSIONERS.

Philadelphia, March 25th, 1783.

Gentlemen,

I am now to acknowledge the favor of your joint letter by the Washington, together with a copy of the Preliminary Articles; both were laid before Congress. The Articles have met with their warmest approbation, and have been generally seen by the people in the most favorable point of view.

The steadiness manifested in not treating without an express acknowledgment of your independence previous to a treaty is approved, and it is not doubted but it accelerated that declaration. The boundaries are as extensive as we have a right to expect; and we have nothing to complain of with respect to the fisheries. My sentiments as to English debts you have in a former letter. No honest man could wish to withhold them. A little forbearance in British creditors, till people have recovered in part from the losses sustained by the war, will be necessary to render this Article palatable, and indeed to secure more effectually the debt. The Article relative to the loyalists is not quite so accurately expressed as I could wish it to have been. What for instance is intended by *real British subjects*? It is clear to me that it will operate nothing in their favor in any State in the union, but as you made no secret of this to the British Commissioners, they will have nothing to charge you with; and indeed the whole clause seems rather to have been inserted to appease the clamor of these poor wretches, than to satisfy their wants. Britain would have discovered more candor and magnanimity in paying to them three months' expense of the war establishment, which would have been an ample compensation for all their losses, and left no germ of dissatisfaction to bud and bloom and ripen into discontents here. Another mad Administration may think the noncompliance of the Legislatures with the recommendations of Congress on this subject, a sufficient cause for giving themselves and us new troubles. You however were perfectly right in agreeing to the Article, the folly was theirs, who did not either insist upon more, or give up this.

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But, Gentlemen, though the issue of your treaty has been successful, though I am satisfied that we are much indebted to your firmness and perseverance, to your accurate knowledge of our situation, and of our wants for this success, yet I feel no little pain at the distrust manifested in the management of it; particularly in signing the treaty without communicating it to the Court of Versailles till after the signature, and in concealing the Separate Article from it even when signed. I have examined with the most minute attention all the reasons assigned in your several letters to justify these suspicions. I confess they do not appear to strike me so forcibly as they have done you; and it gives me pain, that the character for candor and fidelity to its engagements, which should always characterise a great people, should have been impeached thereby. The concealment was in my opinion absolutely unnecessary; for had the Court of France disapproved the terms you had made, after they had been agreed upon, they could not have acted so absurdly as to counteract you at that late day; and thereby put themselves in the power of an enemy, who would certainly betray them, and perhaps justify you in making terms for yourselves.

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The Secret Article is no otherwise important, than as it carries in it the seeds of enmity to the Court of Spain, and shows a marked preference for an open enemy. It would in my opinion, have been much better to have fixed on the same boundaries for West Florida, into whatever hands it fell, without showing any preference, or rendering concealment necessary; since all the arguments in favor of the cession to England would then have operated with equal force, and nothing have been lost by it; for there can be no doubt, that whether Florida shall at the close of the war be ceded to England or to Spain, it will be ceded as it was held by Britain. The Separate Article is not, I suppose, by this time a secret in Europe; it can hardly be considered as such in America. The treaty was sent out to the General with this Article annexed by Sir Guy Carleton, without the smallest injunction of secrecy. So that I dare say it has been pretty generally read at head quarters. Congress still conceal it here. I feel for the embarrassment explanations on this subject must subject you to, when this secret is known to your allies.

I intended to have submitted this letter to Congress, but I find there is not the least prospect of obtaining any decision upon it in time to send by this conveyance, if at all. I leave you to collect their sentiments, as far as I know them, from the following state of their proceedings. After your joint and separate letters, and the journals had been submitted to them by me, and had been read, they were referred back to me to report upon, when I wrote them a letter, and when it was taken into consideration, motions were made and debated a whole day. After which the letter and motions were committed, and a report brought in. This was under consideration two days, when the arrival of a vessel from Cadiz with letters from the Count d'Estaing and the Marquis de Lafayette, containing accounts, that the preliminaries were signed, induced many members to think it would be improper to proceed in the report, and in that state it remains without any express decision. From this you will draw your own inferences.

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I make no apology for the part I have taken in this business. I am satisfied you will readily acquit me for having discharged what I conceived to be my duty upon such a view of things as you presented to me. In declaring my sentiments freely, I invite you to treat me with equal candor in your letters, and in sending original papers, I guard against misrepresentations that might give you pain. Upon the whole I have the pleasure of assuring you, that the services you have rendered your country, in bringing this business to a happy issue, are very gratefully received by them; however we may differ in sentiments about the mode of doing it.

I am sorry that the extreme negligence of the different States, has prevented, and will probably long prevent, my being able to send you a state of the injury done to real property, and the number of slaves destroyed and carried off by the British troops and their allies, though no pains have been, or shall be wanting, on my part to urge them to it.

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I have the honor to be, Gentlemen,

ROBERT R. LIVINGSTON.

PROCLAMATION OF CONGRESS DECLARING A CESSATION OF ARMS.

By the United States of America in Congress assembled.

A PROCLAMATION,

Declaring the cessation of arms, as well by sea as by land, agreed upon between the United States of America and his Britannic Majesty, and enjoining the observance thereof.

Whereas Provisional Articles were signed at Paris on the 30th day of November last, between the Ministers Plenipotentiary of the United States of America for treating of peace, and the Minister Plenipotentiary of his Britannic Majesty, to be inserted in, and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannic Majesty, when terms of peace should be agreed upon between their Most Christian and Britannic Majesties; and whereas preliminaries for restoring peace between their Most Christian and Britannic Majesties were signed at Versailles, on the 20th day of January last, by the Ministers of their Most Christian and Britannic Majesties; and whereas preliminaries for restoring peace between the said King of

Great Britain and the King of Spain, were also signed at Versailles on the same 20th day of January last;

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By which said Preliminary Articles it has been agreed, that as soon as the same were ratified, hostilities between the said Kings, their kingdoms, states and subjects, should cease in all parts of the world; and it was further agreed, that all vessels and effects that might be taken in the Channel and in the North Seas, after the space of twelve days from the ratification of the said Preliminary Articles, should be restored; that the term should be one month from the Channel and North Seas as far as the Canary Islands, inclusively, whether in the ocean or the Mediterranean; two months from the said Canary Islands as far as the Equinoctial line or Equator; and lastly, five months in all other parts of the world, without any exception or more particular description of time or place;

And whereas it was declared by the Minister Plenipotentiary of the King of Great Britain, in the name and by the express order of the King his master, on the said 20th day of January last, that the said United States of America, their subjects and their possessions, shall be comprised in the above mentioned suspension of arms, at the same epochs, and in the same manner as the three Crowns abovementioned, their subjects and possessions respectively; upon condition, that on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part;

And whereas the Ministers Plenipotentiary of these United States, did, on the 20th day of January, in the name and by the authority of the said United States, accept the said declaration, and declare that the said States should cause all hostilities to cease against his Britannic Majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, his Majesty the King of France, and his Majesty the King of Spain, so and in the same manner as had been agreed upon between those three Crowns, and to produce the same effects;

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And whereas the ratifications of the said Preliminary Articles, between their Most Christian and Britannic Majesties, were exchanged by their Ministers on the 3d day of February last; and between his Britannic Majesty and the King of Spain, on the 9th day of February last;

And whereas it is our will and pleasure, that the cessation of hostilities between the United States of America and his Britannic Majesty, should be conformable to the epochs fixed between their Most Christian and Britannic Majesties;

We have thought fit to make known the same to the citizens of these States; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic Majesty or his subjects, from and after the respective times agreed upon between their Most Christian and Britannic Majesties, as aforesaid.

And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same may be duly observed within their several jurisdictions.

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Given under the seal of the United States. Witness, his Excellency ELIAS BOUDINOT, President, this twelfth day of April, in the year of our Lord one thousand seven hundred and eightythree, and of the sovereignty and independence of the United States the seventh.

ROBERT R. LIVINGSTON TO THE COMMISSIONERS.

Philadelphia, April 21st, 1783.

Gentlemen,

Upon the receipt of the Provisional Articles, and a subsequent account brought by a vessel, despatched by Count d'Estaing, I wrote letters to Sir Guy Carleton and Admiral Digby, to which I received answers. You will find them cold and distant. Those they wrote to the Minister of France, in answer to similar communications made by him, were still more so, and contain the same illiberal doubts which are mentioned in mine, expressed in much stronger terms. When they received an authentic account of the treaty, they sent a copy of it, (*no part* being omitted) to Congress, through the General. When the Proclamation for the cessation of hostilities was received at New York, it was sent to me by an officer with a letter, to which I returned an answer.

After this two great questions were agitated in Congress. 1st. Whether they should proceed to the immediate ratification of the Provisional Articles; and 2dly. Whether they should release their prisoners. Some maintained with respect to the first of these points, that they knew not in what light to consider the Provisional Articles, whether as preliminaries or a definitive treaty. That the preamble said they were to constitute the treaty, while at the same time, they were only to be inserted in it. These terms they considered as contradictory; and they wished to have explanations from you on this head, to know what the operation of a ratification would be, and

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they inferred from your silence, that none was necessary. They observed, that no time was set for the evacuation of New York; that the ratification would in some measure compel them to release their prisoners, and thus strengthen their hands, when it was possible a definitive treaty might not take effect between Great Britain and France; and that the ratification and the restoration of prisoners, if it left us nothing more to do, was in some sort to desert our allies. To this it was answered, that the Provisional Articles were only to be received as preliminary, that from the very nature of them, they could not be definitive; that the ratification would not alter the nature of them, but confirm them as they stood; that they were confessedly very advantageous to us; that the neglecting any such acceptance of them as was necessary on our part would give the enemy a pretence for violating the stipulations they contained; that the principal points between France and Great Britain being settled, we had no reason to apprehend a failure of a definitive treaty; that it was important to show, that we were determined to adhere in every particular to the engagements you had made. These arguments prevailed, and a resolution passed directing the ratification which I enclose. It is probable that the definitive treaty will be signed before this can reach you, otherwise it would be extremely desirable that some ambiguities in the Provisional Articles should be cleared up, and other objects, which have been at different times touched upon in my public letters, attended to.

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The sixth Article is not so precisely expressed as to point out to what time the word *future* refers, whether to the signature of the Provisional Articles, whether to the act, which gave it the force of a treaty, or to the definitive treaty. Though I should suppose the second to be the intention from the opposition between the words *now*, and the time of the ratification in America.

The seventh Article leaves the time for the evacuation of New York upon so loose a footing, that I fear our troublesome guests will long continue to be such, unless a day is fixed on for their departure, in the definitive treaty. You can easily conceive the impatience that the distressed inhabitants of New York feel at every moment's delay; and the fears and jealousies that prevail among them lest it should be meant to retain these posts as pledges for the performance of the stipulations in favor of the Tories. By the debates in Parliament on the 3d of March, it is evident that they had then no orders to evacuate.

You will observe that the ratification does not extend to the Separate Article. The treaty between Spain and Great Britain renders it unnecessary; and Congress not caring to express any sentiment upon that subject, I refer you to my letters to Dr Franklin and Mr Jay upon the subject of a free trade with the West Indies, and the logwood trade, which are important objects here; and, I hope, will be attended to in your definitive treaty. It were to be wished that the ambiguity with respect to the time of the cessation of hostilities upon this coast was cleared up, and the construction we put upon it adopted, to wit, that by *as far as the Canaries*, was intended the latitude of the Canaries, which construction can be supported by a variety of arguments, and is extremely important to us, as a number of our vessels have been taken since the 3d of March.

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I have the honor to be, &c.

ROBERT R. LIVINGSTON.

MR GRAND TO THE COMMISSIONERS.

Paris, May 10th, 1783.

Gentlemen,

It is some months ago since I had the honor to write you, and am well persuaded, although I received no answer thereto, that it will have engaged your attention. I earnestly wish it may have been productive of an improvement to the finances of Congress, which I then foresaw would be short of our wants, and which is, unfortunately, too much the case at present.

Last month, I remitted to the honorable Robert Morris, the state of his account; the balance of which was 413,892 livres *13c. 9s.* due to me. This, added to the subsequent payments I had to make, would have thrown me into a state of perplexity, had it not been for the assistance given me by the *Garde du Trésor Royal*.

You will see, Gentlemen, by the statement I have the honor to enclose for your consideration, that the sums I am to pay, exceed by one million those that are to be paid me. And making even abstraction of all that is not Mr Morris' bill, there still remains a defect of 500,000 livres, independent of the allowance to be made for his usual wants, from January 24th (date of his last bills) up to the 12th of March.

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I am happy to have it in my power to say, that I have exerted to this instant, all that my zeal and my faculties could suggest to me. Did the last keep pace with the former, I should never have applied but to them. However, the state of affairs is such now, that a resolution must be taken relative thereto; and, even, without delay; the bearers of Mr Morris's bills growing so urgent upon me, that rather than to have occasioned any difficulty before I could be informed of your resolution, I preferred accepting a further sum of 54,000 livres this day.

I crave your Excellencies will honor me with a quick answer; meantime, I remain &c.

GRAND.

State of the Finances of Congress at Paris, on the 10th of May, 1783.

Balance due to me on the last account,	Livres	413,892	13	9
Sums paid by his Excellency Benjamin Franklin's orders,		172,001	5	1
The honorable Robert Morris's drafts to be paid,		1,872,871	1	10
His fresh drafts from January 24th, at 60 days sight, of which I have already accepted 54,000 livres,		804,371	8	
			<hr/>	
		3,263,136	8	8
Interest on the Dutch Loan,	400,000			
Sabatier & Desprez' claim for articles to the Marquis de Lafayette,	134,000			
		534,000		
		<hr/>		
	Livres	3,797,136	8	8

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M. DE LAFAYETTE TO THE COMMISSIONERS.

Paris, May 12th, 1783.

Gentlemen,

Having yesterday conferred with Count de Vergennes upon some public concerns, he requested I would tell you what, instead of troubling you with the demand of a meeting, I think better to mention in this note.

The several powers, said he, are going to make up their treaties, and when ready to sign, they will, of course, meet to do it all together. The mediation of the Emperor and that of Russia have been required, and under that mediation the French treaty will be signed; it now rests with America to know, if she will conclude her treaty under the mediation, or chooses to let it alone. There is no necessity for it. But, in case you prefer to have it, Count de Vergennes thinks it is time to join with England in making a combined application to the Court of Vienna and that of Petersburg.

So far, Gentlemen, I have been requested to speak to you. I will add, that from my last conferences on the subject, I hope we may get the harbor of L'Orient, as we have wished, for the American trade.

Be pleased to accept the assurances of my great and affectionate respect.

LAFAYETTE.

DAVID HARTLEY'S COMMISSION.

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George R.

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer and Prince Elector of the Holy Roman Empire, and so forth, to all to whom these presents shall come, Greeting.

Whereas, for the perfecting and establishing the peace, friendship, and good understanding so happily commenced by the Provisional Articles signed at Paris, the thirtieth day of November last, by the Commissioners of us, and our good friends, the United States of America, viz; New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in North America, and for opening, promoting, and rendering perpetual, the mutual intercourse of trade and commerce, between our kingdoms and the dominions of the said United States, we have thought proper to invest some fit person with full powers on our part to meet and confer with the Ministers of the said United States, now residing at Paris, duly authorised for the accomplishing of such laudable and salutary purposes.

Now know ye, that we, reposing special trust and confidence in the wisdom, loyalty, diligence, and circumspection of our trusty and well beloved David Hartley, (on whom we have heretofore conferred the rank of our Minister Plenipotentiary,) have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him, our true, certain, and undoubted

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Commissioner, Procurator, and Plenipotentiary; giving and granting to him all, and all manner of faculty, power, and authority, together with general, as well as special order (so as the general do not derogate from the special, nor on the contrary,) for us, and in our name, to meet, confer, treat, and conclude with the Minister or Ministers, furnished with sufficient powers, on the part of our said good friends, the United States of America, of and concerning all such matters and things as may be requisite and necessary for accomplishing and completing the several ends and purposes herein before mentioned, and also for us, and in our name to sign such treaty or treaties, convention or conventions, or other instruments whatsoever, as may be agreed upon in the premises; and mutually to deliver and receive the same in exchange, and to do and perform all such other acts, matters, and things, as may be anyways proper and conducive to the purposes abovementioned, in as full and ample form and manner, and with the like validity and effect, as we ourself, if we were present, could do and perform the same; engaging and promising, on our royal word, that we will accept, ratify, and confirm in the most effectual manner all such acts, matters, and things, as shall be so transacted and concluded by our aforesaid Commissioner, Procurator, and Plenipotentiary, and that we will never suffer any person to violate the same, in the whole, or in part, or to act contrary thereto.

In testimony and confirmation of all which, we have caused our great seal of Great Britain to be affixed to these presents, signed with our royal hand.

Given at our palace at St James, the fourteenth day of May, in the year of our Lord one thousand seven hundred and eightythree, and the twentythird year of our reign.

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I, David Hartley, the Minister abovementioned, certify the foregoing to be a true copy from my original commission, delivered to the American Ministers this 19th day of May, 1783.

D. HARTLEY.

AN ORDER OF THE BRITISH COUNCIL.

Copy of the Order in Council, the 14th of May, 1783, read to, and left with the American Ministers, this 21st day of May, 1783, by Mr Hartley.

At the Court of St James, May 14th, 1783.

Present. The King's Most Excellent Majesty in Council.

Whereas, by an act of Parliament passed this session, entitled, "An Act for preventing certain instruments from being required from ships belonging to the United States of America, and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the said United States," it is, among other things, enacted, that, during the continuance of the said act, it shall, and may be lawful for his Majesty in Council, by order or orders to be issued and published from time to time, to give such directions, and to make such regulations with respect to duties, drawbacks, or otherwise, for carrying on the trade and commerce between the people and territories belonging to the Crown of Great Britain, and the people and territories of the said United States, as to his Majesty in Council shall appear most expedient and salutary, any law, usage, or custom to the contrary notwithstanding. His Majesty, does, therefore, by, and with the advice of his Privy Council, hereby order and direct, that any oil, or unmanufactured goods or merchandises, being the growth or production of any of the territories of the said United States of America, may, (until further order) be imported directly from thence into any of the ports of this kingdom, either in British or American ships, by British subjects, or by any of the people inhabiting in, and belonging to the said United States, or any of them, and such goods and merchandises shall and may be entered and landed in any port in this kingdom, upon payment of the same duties, as the like sort of goods are, or may be subject and liable to, if imported by British subjects in British ships from any British island or plantation in America, and no other, notwithstanding such goods or merchandises, or the ships in which the same may be brought, may not be accompanied with the certificates, or other documents heretofore required by law; and it is hereby further ordered and directed, that there shall be the same drawbacks, exemptions, and bounties on merchandises and goods exported from Great Britain into the territories of the said United States of America, or any of them, as are allowed upon the exportation of the like goods or merchandise, to any of the islands, plantations, or colonies belonging to the Crown of Great Britain in America; and it is hereby further ordered and directed, that all American ships and vessels, which shall have voluntarily come into any port of Great Britain, since the 20th of January, 1783, shall be admitted, together with the goods and merchandises on board the same ships and vessels, to the full benefit of this order; and the Right Honorable the Lords, Commissioners of his Majesty's Treasury, and the Lords, Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

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WILLIAM FAWKNER.

FOOTNOTE:

[14] See the following Papers in *Henry Laurens's Correspondence*, Vol. II. pp. 499-502, viz.

1. Articles proposed to the American Commissioners by Mr Hartley.
2. Mr Hartley's proposed Article of Agreement, delivered by him to the American Commissioners for their consideration, May 21st, 1783.
3. Observations and propositions of Mr Hartley, left with the American Ministers, May 21st, 1783.

Also in *Franklin's Correspondence*, Vol. IV. pp. 78, 80, 92, and the following, viz.

1. Conciliatory Propositions.
2. Sketch of a Provisional Treaty of Commerce.
3. Supplemental Treaty.

COUNT DE VERGENNES' PROPOSED NEW ARTICLES.

[Delivered to Dr Franklin on the 20th of May, 1783.]

Translation.

The intention of his Most Christian Majesty and the United States of North America, in concluding between them a treaty of amity and commerce, having been, that their respective subjects should enjoy all the advantages, privileges, and exemptions, which the most favored nations enjoy or may enjoy, and his said Majesty and the United States, wishing to prevent any misunderstandings that may arise by a false application of the 2d and 3d Articles of the treaty of commerce of February 6th, 1778, have thought it proper to determine in a precise manner the principles which ought to be followed on one part and the other, concerning the matter in question. In consequence, it is proposed, that his Majesty and the Congress of the United States agree to the following Articles. 147

ARTICLE I. To interpret, as far as is necessary, the 2d Article of the treaty of amity and commerce, concluded February 6th, 1778, the United States declare, that all the advantages, privileges, and exemptions, which are accorded, or may be accorded hereafter, in regard to navigation and commerce, to any nation, power, or state, whatever, shall be common to the French nation, and that these shall be enjoyed conformably to Article 3d of the treaty, in such manner that in no case, or under any pretext, shall the said United States exact any compensation from his Most Christian Majesty.

ARTICLE II. His Most Christian Majesty promises and engages on his part, to cause the subjects of the United States to enjoy, in conformity with the 3d Article abovementioned, all the advantages, privileges, and exemptions, which the most favored nations now enjoy, or may enjoy hereafter, and that without exacting any compensation from the said States.

TO MR GRAND.

Paris, May 22d, 1783.

Sir,

We have received the letter you did us the honor to write us on the 10th day of this month, containing a brief state of the affairs of the United States, in your hands. We see the difficulties you are in, and are sorry to say that it is not in our power to afford you any relief. 148

We have the honor to be, Sir, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

ROBERT R. LIVINGSTON TO THE COMMISSIONERS.

Philadelphia, May 28th, 1783.

Gentlemen,

By the direction of Congress contained in the enclosed resolutions, I have the honor to transmit you the correspondence between General Washington and Sir Guy Carleton, together with minutes of their conference, when in pursuance of the invitation of the first, they met in Orange county. Nothing can be a more direct violation of the seventh Article of the provisional treaty, than sending off the slaves, under pretence, that their Proclamations had set them free, as if a British General had, either by their laws or those of nations, a right by Proclamation, to deprive any man whatever of his property. They may with much more propriety pretend to re-establish every one of their adherents in all the rights they had before the war, since they engaged so to do, and the people with whom they made these engagements were capable of entering into them, which slaves were not. Or even if they were, the promise made to them must be under the same limitations with those made to their other adherents in this country, and amounts to nothing more than this; "make yourselves free, and we will protect you in that freedom as long as we can." The Articles imply, that they were no longer able to protect them. You will be pleased to remonstrate on this subject, and inform Congress of the effects of your representations.

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We have been much embarrassed by your silence, not having had a line from you since the Provisional Articles took effect, nor being at all acquainted with the progress of the definitive treaty; though the earliest information on this subject becomes very important. Congress, after some hesitation have ventured to hope, that it will meet with no obstructions, and have accordingly discharged by the enclosed resolution a considerable part of their army upon those principles of economy which extreme necessity dictated. As scarce a week passes without several arrivals from France, Congress complain with some reason of your silence. For my own part I could wish, that you would severally impose upon yourselves the task of writing weekly, and sending your letters to Mr Barclay. As you are possessed of cyphers, there can be no hazard in this, where the subject of your correspondence requires secrecy.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

ROBERT R. LIVINGSTON TO THE COMMISSIONERS.

Philadelphia, May 31st, 1783.

Gentlemen,

Congress yesterday passed the enclosed resolutions on the subject of the payment of British debts. The language they speak requires no comment.

I complained in my last of your long silence, or rather laid before you the complaints of Congress. These, I think receive additional force from the intelligence that I have since had, that the negotiations are still going on; and that important propositions have been made you from Holland. As Congress have adjourned for two days, and the packet sails tomorrow, I cannot procure their instructions on this subject; though I think I may venture to say that they will not without reluctance go one step further than their honor requires of them in making new engagements which may involve them in the disputes of Europe, from which they wish to be totally disengaged. I make no observations on these propositions, or your power to accede to them, being well persuaded that you will take no step in this business without a full persuasion that important advantages will result therefrom to these States. The second proposition, in case France and Spain should decline acceding to the first, is more peculiarly delicate from the inability of the contracting powers to enforce them; if, which is hardly to be supposed, they should unite in wishing it.

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I cannot help lamenting since so much time has elapsed before any conclusion is formed, that you had not thought it advisable to write me on this subject, explaining the advantages and disadvantages of the measure, and enabling me to take the sense of Congress thereon; for though they have the highest confidence in your judgment and knowledge of the true interests of this country, yet I am persuaded that they think it a duty to see with their own eyes; and to form their own conclusions on great national objects, where there is a possibility of so doing. The experience of the last war has shown that the propositions of the Empress of Russia were little more than a dead letter. Those whom England dared to offend derived no advantage from them. Our engagement therefore on this head will, in my opinion, add little weight to them, unless the great maritime powers of Europe agree to support them, and they may involve us in disagreeable discussions. These however are only my sentiments; those of Congress I am ignorant of.

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The fifth and sixth Articles of the provisional treaty excite much ferment here. For though the most dissatisfied spirits acknowledge the whole treaty taken together to answer their highest expectations, yet they wish to take only what they like, and leave out what they disapprove; and such is the relaxation of government, and so great the disorder and uneasiness introduced by the war, that it will be found very difficult to bridle the just resentments of some, and the unfounded apprehensions that others entertain of reimbursement that may effect their particular interests.

JOHN ADAMS'S PROPOSED AGREEMENT

June, 1783.

ARTICLES

Agreed upon by and between David Hartley, Minister Plenipotentiary of his Britannic Majesty for and in behalf of his said Majesty, on the one part, and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, Ministers Plenipotentiary of the United States of America, for treating of peace with the Minister Plenipotentiary of his said Majesty, on their behalf, on the other part,

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In addition to those Articles agreed upon, on the 30th day of November, 1782, by and between Richard Oswald, the Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in behalf of his said Majesty, on the one part, and the said John Adams, Benjamin Franklin, and Henry Laurens, Commissioners of the said States, for treating of peace, with the Commissioner of his said Majesty, on their behalf, on the other part;

Whereas it is expedient, that intercourse and commerce should be opened, between the people and territories subject to the Crown of Great Britain and those of the United States of America, and that this intercourse and commerce should be established on the most enlarged principles of reciprocal benefit to both countries;

1st. It is agreed, that Ministers shall be forthwith nominated and vested with full powers, to treat, agree, and conclude, upon a permanent treaty of commerce between the two powers and their respective citizens, subjects and countries.

2dly. For the purpose of a temporary regulation of such intercourse and commerce, it is agreed,

That the citizens of the United States shall import into, and export from, any part of the dominions, subject to the Crown of Great Britain, in American ships, any goods, wares, and merchandises, which have been so imported, or exported, by the inhabitants of the British American Colonies before the commencement of the late war, paying only the same duties and charges, as the like sort of goods or merchandises are now, or may be, subject to, if imported by British subjects, in British ships, from any British island, or plantation in America; and that the subjects of his Britannic Majesty shall import to, and export from, any part of the territories of the United States of America, in British ships, any goods, wares, and merchandise, which might have been so imported, or exported, by the subjects of his Britannic Majesty, before the commencement of the war, paying the same duties and charges, as the like sort of goods, wares, and merchandises are now, or may be, subject to, if imported in American ships, by any of the citizens of the said United States.

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This agreement to continue in force for all vessels, which shall sail from any port of either party, on or before the — day of — and no longer; provided always, that nothing in this agreement shall at any time hereafter be argued on either side, in support of any proposition, which may be made in the future negotiation of a permanent treaty of commerce.

JOHN JAY'S PROPOSED AGREEMENT.

June, 1783.

Whereas a variety of circumstances and considerations oppose the forming at present a permanent treaty of commerce, between the Imperial Crown of Great Britain and the United States of America; and whereas it is expedient that a commercial intercourse should be without delay opened and regulated between the kingdom and territories of Great Britain and the said States, by a temporary convention, therefore,

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It is agreed that for the term of — from the date hereof, &c. &c.

Provided that the subjects of his Britannic Majesty shall not have any right or claim under the convention, to carry or import, into the said States any slaves from any part of the world; it being the intention of the said States entirely to prohibit the importation thereof.

And whereas questions may arise respecting the operation of this convention on Ireland, it is agreed that it shall not restrain that kingdom from accepting from, and granting to, the said States further and more extensive commercial privileges than that Island and the British American Colonies enjoyed with respect to each other before the late war.

And whereas this convention is dictated by temporary convenience, and the discussion of questions respecting reciprocity has, in forming it, been avoided; therefore, it is agreed, that no arguments shall be drawn from it, for or against any propositions or claims, which either party may make in treating of, and framing the proposed future treaty of commerce.

DAVID HARTLEY'S PROPOSED AGREEMENT.

June, 1783.

It is agreed, that the citizens of the United States of America shall be permitted to import into, and export from, any port or place of the territories belonging to the Crown of Great Britain, in American ships, any goods, wares and merchandise, which might have been so imported by the inhabitants of the British American Colonies before the commencement of the late war, upon payment of the same duties and charges, as the like sort of goods or merchandise are now, or may be, subject and liable to, if imported or exported by British subjects, in British ships, into and from any port or place of the territories belonging to the Crown of Great Britain; provided, however, that the citizens of the United States shall not have any right or claim, under this convention, to carry on any direct intercourse of commerce between the British West India Islands and the ports of Great Britain. 155

It is agreed, likewise, that the subjects of Great Britain shall be permitted to import into, and to export from, any part of the territories of the United States of America, in British ships, any goods, wares, and merchandise, which might have been so imported, or exported, by the subjects of Great Britain before the commencement of the late war, upon payment of the same duties and charges, as the like sort of goods, wares, and merchandise are now, or may be, liable to, if imported, or exported, in American ships by the citizens of the United States of America.

REPORT OF A COMMITTEE OF CONGRESS.

By the United States in Congress assembled, June 12th, 1783.

The Committee, to whom was referred a report of the Secretary for Foreign Affairs, on a letter of the 20th of March last from M. Dumas, and sundry papers enclosed, report;

That it appears from the said letter and the papers enclosed, that propositions have been made, on the part of the States-General, to the Ministers of the United States of America at Paris, in order to render an express stipulation in favor of the freedom of navigation less necessary in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already concluded between some powers of Europe, or to enter into similar engagements with France, Spain, and the United Provinces of the Netherlands, or, in case France and Spain should refuse to enter into a Convention founded on the principles of the armed neutrality, or wish to delay it till after the general peace, to form a separate convention for similar purposes, between the United Provinces of the Netherlands and the United States of America. That the answers to these propositions do not appear from the papers transmitted, though there is room to infer from M. Dumas's letter of the fourth and eighteenth of February, that the two first of these propositions were encouraged by our Ministers, and that the States-General proposed to act in consequence thereof, and had made the last proposition, in order to be prepared in case either, or both, of the two first should fail. 156

It appears from the report of the Secretary for Foreign Affairs, that no powers are at present vested in any person in Europe, to agree to any treaty, similar to that entered into by Russia, Sweden, Denmark, and the United Provinces of the Netherlands, after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the Ministers of these States, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of Russia, as may be agreed upon by the Congress expected to assemble, in pursuance of the invitation of her Imperial Majesty. Our Ministers received no invitation, and special powers were afterwards given to Mr Dana, which, in their nature, superseded that resolution. Mr Dana was by his commission and instructions empowered to sign the treaty or convention, for the protection of commerce in behalf of the United States, either with her Imperial Majesty, in conjunction with the other neutral powers, or if that shall be inadmissible, separately with her Imperial Majesty, or any of those, that is, those neutral powers. The treaty being only made to continue during the war, his powers terminated with the war, or, at most, extended only to sign it with the neutral powers, and not to form a new separate treaty. 157

Whereupon Congress came to the following resolution.

Whereas the primary object of the resolution of October 5th, 1780, and of the commission and instructions to Mr Dana, relative to the accession of the United States to the neutral confederacy, no longer can operate, and as the true interest of the States requires, that they should be as little as possible entangled in the politics and controversies of European nations, it is inexpedient to

renew the said powers either to Mr Dana, or to the other Ministers of these United States in Europe. But, inasmuch as the liberal principles, on which the said confederacy was established, are conceived to be, in general, favorable to the interests of nations, and, particularly, to those of the United States, and ought, in that view, to be promoted by the latter, as far as will consist with their fundamental policy;

Resolved, that the Ministers Plenipotentiary of these United States for negotiating a peace be, and they are hereby instructed, in case they should comprise in the definitive treaty any stipulation, amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms.

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ELIAS BOUDINOT, *President.*

DAVID HARTLEY TO THE COMMISSIONERS.

Paris, June 14th, 1783.

Gentlemen,

Permit me to address the enclosed Memorial to your Excellencies, and to explain to you my reasons for so doing.

It is because many consequences, now at a great distance, and unforeseen by us, may arise between our two countries, perhaps from very minute and incidental transactions, which in their beginnings may be imperceptible and unsuspected as to their future effects. Our respective territories are in vicinity, and therefore we must be inseparable. Great Britain, with the British power in America, is the only nation with whom, by absolute necessity, you must have the most intimate concerns, either of friendship or hostility. All other nations are three thousand miles distant from you. You *may* have political connexions with any of these distant nations, but with regard to Great Britain it *must* be so. Political intercourse and interests will obtrude themselves between our two countries, because they are the two great powers dividing the continent of North America. These matters are not to come into discussion between us now. They are of too much importance, either to be involved, or even glanced at, in any present transaction.

Let every eventual principle be kept untouched, until the two nations shall have recovered from the animosities of the war. Let them have a pacific interval, to consider deliberately of their mutual and combined interests, and of their engagements with other nations. Let us not, at the outset of a temporary convention, adopt the severe principle of reducing every transaction between the two countries to the footing of exact reciprocity alone. Such a principle would cast a gloom upon conciliatory prospects. America is not restrained from any conciliation with Great Britain by any treaty with any other power. The principles of conciliation would be most desirable between Great Britain and America; and forbearance is the road to conciliation. After a war of animosities, time should be allowed for recollection. There are all reasonable appearances of conciliatory dispositions on all sides, which may be perfected in time. Let us not, therefore, at such a moment as this, and without the most urgent necessity, establish a morose principle between us; if it were a decided point against amity and conciliation, it would be time enough to talk of partition and strict reciprocity. To presume in favor of conciliation may help it forward; to presume against it, may destroy that conciliation, which might otherwise have taken place.

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But, in the present case, there is more than reason to presume conciliation. I think myself happy, that I have it in my power to assure you, from authority, that it is the fundamental principle of the British Councils, to establish amity and confidence between Great Britain and the American States, as a succedaneum for the relation, in which they formerly stood one to the other. The proof of this consists, not in words, but in substantial facts. His Britannic Majesty has been graciously pleased to send orders to his commanders in North America, for the speedy and complete evacuation of all the territories of the United States. His Majesty has given orders in council, on the 14th of the last month, for the admission of American ships and cargoes into Great Britain; and on the 6th instant, he has given farther orders, permitting the importation from America of several articles, which have been usually considered as manufactures. He has, likewise, provided for the convenience of American merchants, who may wish to land tobacco in Great Britain for re-exportation. Upon the same principle, Mr Fox, the Secretary of State, corresponding with America, has moved for, and received the liberty of the House of Commons, (*nem. con.*) to bring in a bill, that any American merchants, importing rice into Great Britain, may, upon re-exportation, draw back the whole duty paid on its first importation. All these circumstances put together, undoubtedly form the most indisputable evidence of the disposition, which prevails in the British Councils to give every facility to the re-establishment of that intercourse, which must be so beneficial to both nations.

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I am ordered to inform you, that his Majesty entirely approves of the plan of making a temporary convention, for the purpose of restoring immediate intercourse and commerce, and more particularly for the purpose of putting off, for a time, the decision of that important question, how far the British acts of navigation ought to be sacrificed to commercial considerations, drawn from

the peculiar circumstances of the present crisis; a question, which will require much deliberation, and very much inquiry, before it can be determined. I am sure, Gentlemen, you will see and admit the reasonableness of our proceeding, in such a case, with deliberation and discretion; more especially, when these acts of prudence do not proceed from any motives of coolness or reserve towards you. In the meantime, the temporary convention may proceed upon principles of real and accommodating reciprocity. For instance, we agree to put you upon a more favorable footing than any other nation. We do not ask a rigid reciprocity for this, because we know, by your present subsisting treaties, it is not in your power to give it to us. We desire only to be put upon the footing of other nations with you, and, yet, we consent that you shall be upon a better footing with us than any other nation.

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Thus far, we must be allowed to be giving something more than reciprocity, and this we do, as I said before, because we are unwilling to ask what you are unable to give. Surely, it is not unreasonable, nor more than, from principles of reciprocity, we have a right to expect that you should imitate our conduct in this particular, and that you should abstain from asking things, under the title of exact and literal reciprocity, which, upon the consideration of our case, you must know that we cannot give. Virtual and substantial reciprocity we are willing to give; literal reciprocity is impossible, as much from your engagements, as from our system of navigation.

If we can agree upon an article of intercourse and commerce, in the nature of a temporary convention, on the basis of the Memorial, which I had the honor of giving lately to you, bearing date 19th of May, 1783, no time need be lost in finishing this business; but with this explanation, that although it is proposed, that the commerce between the United States and the British West Indies should be free with regard to their respective productions, yet, that we are not bound to admit the importation of West India commodities into Great Britain in American vessels. Believe me, Gentlemen, that this restriction does not proceed from any invidious disposition towards the American States. It is imposed by indispensable prudence and necessity upon the British Ministers, who, in the present state of things, could not be justified to their own country, to go hastily to a larger extent of concession. This point is not to be looked upon merely as commercial, but as affecting fundamentally the great political system of British navigation; and you are to consider, that the principle, upon which the whole of our proposed temporary convention is to stand, is, that the *commerce* between the two countries is to be revived nearly upon the old footing; but that each nation is to keep in its own hands, the power of making such regulations respecting *navigation*, as shall seem fit. I assure you, that this point has been discussed by the Ministers of the British cabinet with infinite candor, and with every possible disposition of amity and favor towards your country; but the more they have inquired upon this subject, the more they are overborne by conviction, that the prejudices upon this matter (if that be the name these opinions deserve) are so strong, that such a measure as a relaxation of the act of navigation, in this instance, never can be taken, but upon such a full and solemn Parliamentary inquiry, as it is impossible to go into at this time of the year, and in this stage of the session. I cannot, therefore, Gentlemen, help flattering myself, that you, who are so well acquainted with difficulties, which must embarrass an English administration in a business of this sort, will rather endeavor to remove them, than to increase them; and I am sure, that such a plan, on your part, would ultimately be most conducive to your own objects. When an amicable intercourse is once opened, and when conciliatory confidence comes to take place of those jealousies, which have lately subsisted, you may easily conceive in how different a manner the whole of this matter will be considered. I am confident that this will be the case, but if it is not, the provisions being only temporary, it will be in the power of the United States, to take up any hostile mode of proceeding, by restraints and prohibitions, &c. whenever they may think fit.

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I have made use above of the word *prejudices* in speaking of the principles of the British act of navigation. I hope you will accept that term from me, as proceeding so far in compliance towards the future consideration of the points now between us, as to keep the question open and free for discussion. If Great Britain should, in any case, throw down the barriers of her act of navigation towards America, she should be very secure against the possible case of future enmity, or alliance against her. Such considerations as these, lead to objects far beyond our present scope or powers. But I must still add one word more upon this article of *prejudices*. Such prejudices (if they are so) are not confined to Great Britain. By your commercial treaty with France, Article 4th, you are only entitled to an European trade with that kingdom, and not, even by that treaty, to any direct commerce between their West India Islands and the ports of the American States; much less to the immediate communication between the French Islands and the dominions of the Crown of France in Europe. Every public proceeding in England, since the commencement of our present negotiation for opening the intercourse and commerce between our two countries, will, I am sure, support me in saying, that we have very liberally taken the lead; that we have not waited for any assurance of reciprocity, but have given orders for almost a universal admission of American articles, before we even know that any vessel from Great Britain will find admission into any American ports. What do we ask in return? No more than this; that while we gratuitously, and without stipulation, give advantages and favors to the American States, which we deny to all other nations, they would so far justify our liberal way of proceeding, as to receive us in the same manner as other nations, which are foreign, and to permit us to carry to North America, what it is evidently for their interest that we should carry thither.

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I need hardly add, that it is of infinite importance, that some temporary convention should be finished without loss of time. I hope and trust that we shall not find much more difficulty in this business. You must see the advantage of an immediate renewal of intercourse, and from the

candor of your dispositions, I am sure you must likewise be convinced, that to give us some facility in the outset, is the sure road to such an equitable arrangement for the future, as you must have at heart. The reasons, which I have given in the Memorial appear to me to be cogent and convincing, upon the natural alliance between our two countries. And when the intercourse has once begun, everything will go in its natural road. It is, therefore, of infinite consequence to begin that intercourse. Great Britain, by all public proceedings of repeals, proclamations, &c. &c. has made the first advances, with warmth and confidence, and, therefore, I conclude, with the fullest assurance, that you will meet those advances with cordial reciprocity.

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I have the honor to be, &c.

D. HARTLEY.

DAVID HARTLEY'S MEMORIAL TO THE COMMISSIONERS.

The proposition, which has been made for a universal and unlimited reciprocity of intercourse and commerce, between Great Britain and the American United States, requires a very serious consideration on the part of Great Britain, for the reasons already stated in a Memorial, dated May 19th, 1783, and for many other reasons, which in the future discussion of the proposition will appear. To the American States, likewise, it is a matter of the deepest importance, not only as a proposition of commercial intercourse, which is the least part, but most principally, as a political basis and guarantee for their newly established constitutions. The introduction of British interests into a communion of intercourse, will bring forward a universal guarantee on the part of Great Britain, in the future progress of political events, which may affect the United States of America in their national capacity. The proposition is fertile in future prospects to Great Britain; and America also may wisely see in it a solid foundation for herself.

All circumstances are most fortunately disposed between Great Britain and the American States, to render them useful friends and allies to each other, with a higher degree of suitableness between themselves than any other nations can pretend to. France cannot interchange reciprocities with the American States, by reason of numberless impediments in her system of government, in her monopolies, and her system of commerce. France has the great disability of difference in language to contend with; and the institution of the present French manufactures has never, at any time heretofore, been trained or adapted to American commerce. The only particular and pacific facility which France ever possessed for American intercourse, has for many years been transferred into the British scale by the cession of Canada to Great Britain. The future commerce, between France and America, will chiefly be regulated by such conveniences as France can draw to herself from America, without much aptitude on the part of France, to accommodate her manufactures and commerce to American demands. In short, an interchange of reciprocities between France and America, would run against the stream on both sides; and all established habits, manners, language, together with the principles of government and commerce, would militate against such a system.

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Conformably to this reasoning, it appears, that France has not at any time entertained any systematical design of forming any union or consolidation of interests with America. She took up the American cause, as instrumental to her political views in Europe. America likewise accepted the alliance with France, for her separate views, viz. for the establishment of her independence. The alliance, therefore, is completed and terminated, without leaving behind it any political principle of future permanent connexion between them. Occasional circumstances produced a temporary alliance. Similar circumstances may, on any future occasion, produce a similar event of a temporary compact. Dissimilar circumstances, arising from any future political views of the Court of France in Europe, may without any inconsistency of principle, throw the power of that kingdom into a scale adverse to the future interests of the American States. In such case, therefore, where there cannot exist any permanent political connexion between France and America, and where the commercial attachments can be but feeble, it would be vain to expect in the French nation any such ally, as newly established States ought to look out for, to give maturity and firmness to their constitutions.

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As to Spain, every argument which has been stated respecting diversity of language, manners, government, monopolies, and system of commerce, from those which prevail in the United States of America, obtains in a superior degree. And much more to add besides, for Spain is not only incompetent to interchange reciprocities with the American States, but likewise her own situation in America will at all times render her extremely jealous of her neighbors. The only activity which Spain has exerted in the war, has been to procure a barrier against the American States, by annexing West Florida to her former acquisition of New Orleans; thereby embracing the mouth of the Mississippi, and by means of that river, jointly with her landed possessions, establishing a strong and jealous boundary against any future progress of the American States in those parts. Spain, therefore, cannot be looked upon by the American States as a suitable object of their election, to become a permanent ally and friend to them. Portugal, likewise, labors under all the disabilities of language, manners, monopolies, government and system of commerce. Her national power and importance would be likewise insufficient to constitute a strong and permanent ally to the American States. All these nations will undoubtedly be found to have many commodious qualities for participation in commerce; but the permanent facilities necessary to

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constitute a firm and permanent ally to the American States, will be found deficient in them.

As to the Italian States, or any other powers in the Mediterranean, they are certainly not adequate to any competition of political alliance with the rising States of America. They will also form very commodious links and connexions in the general circuit of commerce; but beyond these considerations, they have no share in the present question. The several States in the Germanic body are in the same predicament.

As to the Northern powers, viz. those in the Baltic, they are not favored either by vicinity, or climate, for a frequent or facile intercourse of commerce with America. And even respecting several material articles of commerce, jealousies and competitions might arise. As to political alliances, there are no such in prospect from them to the American States. Even if there were any superfluity of force in any of them beyond the necessities of their respective domestic situations, the extreme distance would be conclusive against any possible application of such power, as a political alliance favorable to the establishment and conformation of the American States.

The only maritime state on the continent of Europe remaining to be discussed, as a competent candidate for commerce, or connexion with America, is the Republic of the United Netherlands, commonly called Holland. In respect to American commerce, the Dutch have among themselves every facility combined, which the separate States of Europe, possess distinctly in their own concerns, or nearly. Their industry, frugality, and habits of commerce, may even carry them so far, as to make them rivals to the Americans themselves, in the transportation of European merchandise to America. These faculties of commerce would have been of infinite importance to the American States, if the war had continued between Great Britain and them. But upon the event of peace, it becomes a matter of the most perfect indifference to America, whether each European State navigates its own commerce into the ports of America, which will open to all, or whether the commercial faculties of Holland enable her to exceed in rivalry her European neighbors, and thereby to navigate European goods to America beyond the proportion of her national share. The faculties of a nation of carriers may be fortunate for the marine of that nation; but considered in themselves, and with respect to other nations, they are but secondaries in commerce. They give no ground of reciprocities, or participation. That one nation should say to another, you shall navigate all our rivers, harbors, lakes, ports, and places, if we may do the same in yours, is a proposition of reciprocity; but that Holland should say to America, we will bring European goods to you, or you may be your own carriers, is neither concession nor reciprocity. Holland is not a nation of rivers, harbors, lakes, ports, and places, for the distribution of goods and manufactures for internal consumption, and, therefore, her reciprocities must be very scanty. Holland is the market-place of Europe, and the Dutch seamen are the carriers appertaining to that market-place. The admission of American ships to that market-place, freely to import and to export, is, undoubtedly, an act of reciprocity on the part of Holland as far as it goes, but in no degree adequate to the unlimited participation of American commerce throughout the rivers, harbors, lakes, ports, and places of that vast continent. The commercial reciprocities of Holland, therefore, being inferior, on her part, towards America, the next point of view in which Holland is to be considered, as relevant to this question, is, as a nation of power, capable of becoming an effectual and permanent ally and guarantee to the American States, for that is the great object, which America, as a wise nation, recently arisen into independence, ought to keep in view. Holland has certainly been a nation of great and celebrated naval force. She remains so still; but having for many years suspended her exertions of force, and having directed the faculties of her people into the commercial line, she seems not to have any superfluity of force beyond the necessity of providing for her own security; and, certainly, no such redundance of power, as to extend to the protection of distant nations, as allies or guarantees. It appears, therefore, upon the whole of this argument, that Holland, although a commercial nation, cannot even interchange commercial reciprocities with America upon an equal footing, and that her faculties of force are inadequate to those, which America ought to expect in the permanent allies and guarantees of her country.

The independence of the American States being established, their first consideration ought to be, to determine with what friendships and alliances they will enter into the new world of nations. They will look round them, and cast about for some natural, permanent, and powerful ally, with whom they may interchange all cementing reciprocities, both commercial and political. If such an ally be to be found anywhere for them, it is still in Great Britain; at least, it is certain, that, in looking round Europe, no other is to be found. There is no inherent impossibility to prevent such a connexion from taking place; it must depend on the free will and common interest of the parties. There are all possible faculties on both sides, to give and to receive all adequate and beneficial reciprocities, which are practicable and more likely to be permanent between independent parties, than between two parties, of which one is dependent on the other. Great Britain is, undoubtedly, the first of European nations, in riches, credit, faculties, industry, commerce, manufactures, internal consumption, and foreign export, together with civil liberty, which is the source of all, and naval power, which is the support of all. The dominions appertaining to the Crown of Great Britain are large and fertile; its Colonies still extensive, and in close vicinity to the American States, Great Britain being an American, as well as an European power, and all her empire connected by her naval force.

The territories of the American States, from the Atlantic ocean to the Mississippi, contain an inexhaustible source of riches, industry, and future power. These will be the foundations of great events in the new page of life. Infinite good, or infinite evil, may arise according to the principles

upon which the intercourse between Great Britain and America shall be arranged in its foundation. Great Britain and America must be still inseparable, either as friends or foes. This is an awful and important truth. These are considerations not to be thought of slightly; not to be prejudged in passion, nor the arrangements of them to be hastily foreclosed. Time given for consideration may have excellent effects on both sides. The pause of peace, with friendly intercourse, returning affection, and dispassionate inquiry, can alone decide these important events, or do justice to the anxious expectations of Great Britain and America.

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THE PRESIDENT OF CONGRESS TO THE COMMISSIONERS.

Philadelphia, June 16th, 1783.

Gentlemen,

I am sorry to inform you, that by the resignation of Mr Livingston as Minister for Foreign Affairs, it has become necessary that you should receive the resolutions of Congress, relative to your mission through my hands. The disadvantage arising from this necessity, until a successor to that worthy gentleman is appointed, will be yours, as it is impossible for me to do more than barely to transmit the acts of Congress necessary for your information.

Enclosed you have one of the 1st of May last, and another of the 12th instant, which I hope will get safe to hand time enough for your government. The commission and instructions referred to in the first, not being ready, it was thought best to forward the resolution without delay, that you might know what was intended in the present important period of your negotiation. We have been much surprised, that we have not received any communications from you since the cessation of hostilities, except a letter of the 5th of April, from Mr Laurens.

I have the honor to be, &c.

ELIAS BOUDINOT, *President.*

HENRY LAURENS TO THE COMMISSIONERS.

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London, June 17th, 1783.

Gentlemen,

I had the honor of addressing you on the 10th, immediately after my landing at Dover. As early as possible after my arrival here, I obtained an interview with Mr Secretary Fox, who was pleased to read to me part of his latest despatches to Mr Hartley, which he supposed would reach Paris on the 14th. It is probable, therefore, that before this time, as much of the contents as is proper for your knowledge has been communicated.

"Reciprocity," since the 10th of April, has undergone a certain degree of refinement. The definition of that term appears now to be possession of advantages on one side, and restrictions on the other. "The navigation act is the vital of Great Britain, too delicate to bear a touch." The sudden and unexpected, perhaps illicit, arrival of ships and cargoes from America, may have caused this change of tone. But you have heard in detail, and are more competent to judge.

From a desire of forming an opinion, I asked Mr Fox, whether he thought I might venture for a few days, to take the benefit of Bath, and yet be in time enough at Paris for the intended commercial agreement? He replied, "I rather think you may." One need not be a conjurer to draw an inference; you will either have finished the business before I could travel to Paris, or without being missed there I may go to Bath and repair my nerves.

In this state of uncertainty, when it is easy to perceive affections are not as we could wish them, nor quite so warm as we had been taught to believe, it would not be wise to commit the United States; wherefore I shall rest the business till I hear from you, or until a more favorable prospect; flattering myself with hopes of your surmounting the late seeming difficulties. An inconvenience on your side is preferable to the hazard of a disgrace.

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I am, with great regard and respect, &c.

HENRY LAURENS.

THE PRESIDENT OF CONGRESS TO B. FRANKLIN.

Philadelphia, June 18th, 1783.

Sir,

I have the honor of enclosing you an official letter, directed to our Ministers Plenipotentiary at Paris.

The resignation of the late Secretary for Foreign Affairs, (occasioned by his preference of the Chancellorship of the State of New York, which he could not hold longer and retain his Secretaryship,) has cast the business of his office on me, till a successor is elected, which I hope will speedily take place.

As part of the resolution of Congress of the 12th instant, enclosed in that letter, is of a secret nature, I have written it in cyphers, but not having that of Mr Livingston's, I thought it best to use Mr Morris's to you, which he has obligingly supplied me with; so that the Ministers will be indebted for your decyphering it.

Your letter to Mr Livingston of the 15th of April, enclosing the two medals, came to hand this morning. I am sorry to find, that you have cause for similar complaints to those we have been making for two months past, on the subject of want of intelligence. We have not heard from any of our Commissioners at Paris, since February, excepting a letter from Mr Laurens, though our anxiety and expectations have been wound up to the highest pitch.

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I feel myself much indebted for your polite compliment of the medal; it is thought very elegant, and the device and workmanship much admired. You will be pleased, Sir, to accept my acknowledgments on this occasion. As I doubt not but the copper one was designed for Mr Livingston personally, I shall send it to him by the first convenient opportunity. He is a worthy deserving character, and the United States will suffer greatly by his resignation, though I think him justified in attending to the calls of his private affairs.

You will receive herewith a number of our late newspapers, in which are inserted many resolves, associations, &c. from all parts of the country, which I earnestly wish could be kept out of sight. But the truth is, that the cruelties, ravages, and barbarisms of the refugees and loyalists, have left the people so sore, that it is not yet time for them to exercise their good sense and cooler judgment. And that cannot take place, while the citizens of New York are kept out of their city, and despoiled daily of their property, by the sending off their negroes by hundreds, in the face of the treaty. It has been exceedingly ill judged in the British to retain New York so long, and to persist in sending away the negroes, as it has irritated the citizens of America to an alarming degree.

I have the honor to be, &c.

ELIAS BOUDINOT.

HENRY LAURENS TO THE COMMISSIONERS.

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London, June 20th, 1783.

Gentlemen,

Permit me to refer to what I had the honor of writing to you the 17th. You will recollect my suggestions, as soon as we perceived the falling off from those warm assurances, which had been pressed in March and April. They were not ill founded. I delayed a week in hopes of intelligence, and left you with reluctance; the temper of the times forbids even an essay.

What a happy country is this, where everything pertaining to the public is rendered to them in public newspapers. See the enclosed, containing nearly as accurate an account of certain recent occurrences, as if it had been penned by one of the parties. It might indeed have been made a little stronger. Modest men are sometimes restrained from attempting a public good, from a dread of the effects of envy, of being held up in an invidious light. It would be cruel to disturb them.

I have heard nothing from America, save what you may have read in the prints. Tomorrow I shall proceed to Bath, and be waiting for intelligence, as well from yourselves as from Congress. Some consolation arises from reflecting, that while I am endeavoring to mend my health, you suffer no inconvenience from my absence.

With sincere regard and respect,

HENRY LAURENS.

TO THE COUNT DE VERGENNES.

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Sir,

Mr Grand, banker to the Congress, having laid before us the annexed state of their affairs in his hands, we conceive ourselves indispensably obliged to communicate the same to your Excellency, as some important interests of both countries are concerned.^[15]

Before the peace was known in America, and while Mr Morris had hopes of obtaining the five per cent duty and a larger loan from his Majesty, the immediate urgent necessities of the army obliged him to draw bills, and sell them to the merchants, to raise money for the purchase of provisions, to prevent their starving or disbanding.

The merchants have thereupon formed their plans of business, and remitted those bills to their correspondents here, to pay debts, and purchase goods in this kingdom, to be carried home in the ships, that are come, or coming to France, thus to open a larger commerce with this nation.

If those bills cannot be paid, the creditors of America will be disappointed and greatly hurt, and the commerce will be deranged and discouraged in its first operations, of which the numerous ill consequences are more easily imagined than described.

Our loan in Holland is going on, and with such prospect of success, that the bankers, who have the care of it, have lately sent by express to Mr Adams all the blank obligations, necessary to complete it, for him to sign, that they might have them ready to deliver, as demanded, his return thither being delayed.

This loan will, therefore, probably answer the bills Mr Morris has drawn on those bankers.

But the protesting any of his bills here would occasion such an alarm there, as must probably entirely stop any further progress of that loan, and thereby increase the mischief.

The government of the Congress would also be enfeebled by it.

We apprehend, too, that, in the present unsettled situation of our affairs with England, such a failure might have very ill effects, with respect to our negotiations.

We therefore request your counsel, hoping your wisdom, which has so often befriended our nation, may point out some way, by which we may be extricated from this distress.

And as the King has hitherto so generously assisted us, we hope that, if it is any way practicable, his Majesty will crown the glorious work, by affording us this help, at the different periods when it will be wanted, and which is absolutely the last that will be asked.

We are, with sincere and great respect, &c.

B. FRANKLIN,
JOHN JAY.

FOOTNOTE:

[15] See Mr Grand's letter above, p. 139.

**PROPOSITIONS MADE BY THE COMMISSIONERS TO DAVID HARTLEY
FOR THE DEFINITIVE TREATY.**

ARTICLE I. To omit in the definitive treaty the exception, at the end of the second Article of the provisional treaty, viz. these words, "excepting such islands as now are, or heretofore have been within the limits of the said Province of Nova Scotia."

ARTICLE II. The prisoners made respectively, by the arms of his Britannic Majesty, and the United States, by sea and by land, not already set at liberty, shall be restored reciprocally and *bona fide*, immediately after the ratification of the definitive treaty, without ransom, and on paying the debts they may have contracted during their captivity; and each party shall respectively reimburse the sums, which shall have been advanced, for the subsistence and maintenance of the prisoners, by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts, and other authentic titles, which shall be produced on each side.

ARTICLE III. His Britannic Majesty shall employ his good offices and interposition with the King or Emperor of Morocco or Fez, the Regencies of Algiers, Tunis and Tripoli, or with any of them, and also with every other Prince, State or power of the coast of Barbary, in Africa, and the subjects of the said King, Emperor, States and powers and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency and safety of the said United States and

each of them, their subjects, people and inhabitants, and their vessels and effects, against all violence, insult, attacks or depredations on the part of the said Princes and States of Barbary, or their subjects.

ARTICLE IV. If war should hereafter arise between Great Britain and the United States, which God forbid, the merchants of either country then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hinderance. And all fishermen, all cultivators of the earth, and all artisans and manufacturers unarmed and inhabiting unfortified towns, villages or places, who labor for the common subsistence and benefit of mankind, and peaceably follow their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price. And all merchants or traders with their unarmed vessels employed in commerce, exchanging the products of different places and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain, and more general, shall be allowed to pass freely unmolested. And neither of the powers, parties to this treaty, shall grant or issue any commission, to any private armed vessels, empowering them to take or destroy such trading ships, or interrupt such commerce.

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ARTICLE V. And in case either of the contracting parties, shall happen to be engaged in war with any other nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary to prevent the inconveniences or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying to the owners the full value of the same.

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ARTICLE VI. The citizens and inhabitants of the said United States, or any of them, may take and hold real estates in Great Britain, Ireland, or any other of his Majesty's dominions, and dispose by testaments, donations or otherwise of their property, real or personal, in favor of such person as to them shall seem fit; and their heirs, citizens of the said United States, or any of them residing in the British dominions or elsewhere, may succeed them *ab intestato*, without being obliged to obtain letters of naturalization. The subjects of his Britannic Majesty shall enjoy on their parts, in all the dominions of the said United States, an entire and perfect reciprocity, relative to the stipulations contained in the present Article.

ARTICLE VII. The ratifications of the definitive treaty shall be expedited in good and due form, and exchanged in the space of five months, or sooner if it can be done, to be computed from the day of the signature.

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ARTICLE VIII. Query. Whether the King of Great Britain will admit the citizens of the United States to cut logwood on the district allotted to his Majesty by Spain, and on what terms?

DAVID HARTLEY'S SIX PROPOSITIONS FOR A DEFINITIVE TREATY.

June, 1783.

1st. That lands belonging to persons of any description, which have not actually been sold, shall be restored to the old possessors without price.

2dly. That an equal and free participation of the different carrying places, and the navigation of all the lakes and rivers of that country, through which the water line of division passes between Canada and the United States, shall be enjoyed fully and uninterruptedly by both parties.

3dly. That in any such places, within the boundaries assigned generally to the American States, as are adjoining to the water line of division, and which are not specifically under the dominion of any one State, all persons at present resident, or having possessions or occupations as merchants, or otherwise, may remain in peaceable enjoyment of all civil rights, and in pursuit of their respective occupations.

4thly. That in any such places adjoining to the water line of division, as may be under the specific dominion of any particular State, all persons at present resident, or having possessions or occupations as merchants, or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations, until they shall receive notice of removal from the State to which any such place may appertain; and, upon any such notice of removal, a term of three years shall be allowed for selling, or withdrawing their valuable effects, and for settling their affairs.

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5thly. That his Britannic Majesty's forces, not exceeding — in number, may continue in the posts now occupied by them contiguous to the water line, for the term of three years, for the purpose of securing the lives, property, and peace of any persons settled in that country, against the invasion or ravages of the neighboring Indian nations, who may be suspected of retaining resentments, in consequence of the late war.

6thly. That no tax or impost whatsoever, shall be laid on any articles of commerce passing or repassing through the country, but that the trade may be left entirely open, for the benefit of all parties interested therein.

THE COMMISSIONERS' ANSWERS TO MR HARTLEY'S SIX PROPOSITIONS.

To the 1st. This matter has been already regulated in the 5th and 6th Articles of the Provisional Treaty, to the utmost extent of our powers. The rest must be left to the several States.

2dly. All the lakes, rivers, and waters, divided by the boundary line, or lines, between the United States and his Britannic Majesty's territories, shall be freely used and navigated by both parties, during the whole extent of such divisions. Regulations concerning roads, carrying places, and any land communications between said waters, whether within the line of the United States or that of his Majesty, together with the navigation of all waters and rivers in America, belonging to either party, may be made in a negotiation of a treaty of commerce. 184

3dly. That in all places belonging to the United States, in the country adjoining to the water line of division, and which, during the war, were in his Majesty's possession, all persons at present resident, or having possessions or occupations as merchants, or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations, until they shall receive notice of removal from Congress, or the State to which any such place may appertain; and that upon any such notice of removal, a term of two years shall be allowed for selling, or withdrawing their effects, and for settling their affairs.

4thly. That his Britannic Majesty's forces, not exceeding — in number, may continue in the posts now occupied by them contiguous to the water line, until Congress shall give them notice to evacuate the said posts, and garrisons of their own shall arrive at said posts, for the purpose of securing the lives, property, and peace of any persons settled in that country, against the invasion or ravages of the neighboring Indian nations, who may be suspected of retaining resentments, in consequence of the late war.

5thly. The consideration of this proposition may be left to the treaty of commerce.

TO DAVID HARTLEY.

Passy, July 17th, 1783. 185

Sir,

We have the honor to inform you, that we have just received from Congress, their ratification in due form, of the Provisional Articles of the 30th of November, 1782, and we are ready to exchange ratifications with his Britannic Majesty's Ministers as soon as may be.

By the same Articles it is stipulated, that his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States, and from every port, place, and harbor within the same. But, by intelligence lately received from America, and by the enclosed copies of letters and conferences between General Washington and Sir Guy Carleton, it appears that a considerable number of negroes, belonging to the citizens of the United States, have been carried off from New York, contrary to the express stipulation contained in the said Article. We have received from Congress their instructions to represent this matter to you, and to request that speedy and effectual measures be taken to render that justice to the parties interested, which the true intent and meaning of the Article in question plainly dictates.

We are also instructed to represent to you, that many of the British debtors in America have, in the course of the war, sustained such considerable and heavy losses by the operations of the British arms in that country, that a great number of them have been rendered incapable of immediately satisfying those debts; we refer it to the justice and equity of Great Britain, so far to amend the Article on that subject, as that no execution shall be issued on a judgment to be obtained in any such case, but after the expiration of three years from the date of the definitive treaty of peace. Congress also think it reasonable, that such part of the interest, which may have accrued on such debts during the war, shall not be payable, because all intercourse between the 186

two countries had, during that period, become impracticable, as well as improper. It does not appear just, that individuals in America should pay for delays in payment, which were occasioned by the civil and military measures of Great Britain. In our opinion, the interest of the creditors as well as the debtors, requires that some tenderness be shown to the latter, and that they should be allowed a little time to acquire the means of discharging debts, which, in many instances, exceed the whole amount of their property.

As it is necessary to ascertain an epocha for the restitutions and evacuations to be made, we propose, that it be agreed, that his Britannic Majesty shall cause to be evacuated the posts of New York, Penobscot, and their dependencies with all other posts and places in possession of his Majesty's arms within the United States, in the space of three months after the signature of the definitive treaty, or sooner, if possible, excepting those posts contiguous to the water line, mentioned in the 4th proposition, and those shall be evacuated when Congress shall give the notice therein mentioned.

We do ourselves the honor of making these communications to you, Sir, that you may transmit them, and the papers accompanying them, to your Court, and inform us of their answer.

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We have the honor to be, &c. &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

TO ROBERT R. LIVINGSTON.

Passy, July 18th, 1783.

Sir,

We have had the honor of receiving by Captain Barney your two letters of the 25th of March and 21st of April, with the papers referred to in them.

We are happy to find, that the Provisional Articles have been approved and ratified by Congress, and we regret, that the manner in which that business was conducted, does not coincide with your ideas of propriety. We are persuaded, however, that this is principally owing to your being necessarily unacquainted with a number of circumstances, known to us, who were on the spot, and which will be particularly explained to you hereafter, and, we trust, to your satisfaction, and that of the Congress.

Your doubts respecting the Separate Article, we think, are capable of being removed; but as a full state of the reasons and circumstances, which prompted that measure, would be very prolix, we shall content ourselves with giving you the general outlines.

Mr Oswald was desirous to cover as much of the eastern shores of the Mississippi with British claims as possible; and, for this purpose, we were told a great deal about the ancient bounds of Canada, Louisiana, &c. &c. The British Court, who had, probably, not yet adopted the idea of relinquishing the Floridas, seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio. Mr Oswald adhered strongly to that object, as well to render the British countries there of sufficient extent to be (as he expressed it) worth keeping and protecting, as to afford a convenient retreat to the Tories, for whom it would be difficult otherwise to provide; and, among other arguments, he finally urged his being willing to yield to our demands to the east, north, and west, as a further reason for our gratifying him on the point in question. He also produced the commission of Governor Johnson, extending the bounds of his government of West Florida, up to the river Yazoo; and contended for that extent as a matter of right, upon various principles, which, however, we did not admit, the King not being authorised, in our opinion to extend or contract the bounds of the colonies at pleasure.

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We were of opinion, that the country in contest was of great value, both on account of its natural fertility and of its position, it being, in our opinion, the interest of America to extend as far down towards the mouth of the Mississippi as we possibly could. We also thought it advisable to impress Britain with a strong sense of the importance of the navigation of that river to their future commerce on the interior waters, from the mouth of the St Lawrence to that of the Mississippi, and thereby render that Court averse to any stipulations with Spain to relinquish it. These two objects militated against each other, because to enhance the value of the navigation, was also to enhance the value of the countries contiguous to it, and thereby disincline Britain to the dereliction of them. We thought, therefore, that the surest way to reconcile and obtain both objects would be by a composition beneficial to both parties. We therefore proposed, that Britain should withdraw her pretensions to all the country above the Yazoo, and that we would cede all below it to her, in case she should have the Floridas at the end of the war; and, at all events, that she should have a right to navigate the river throughout its whole extent. This proposition was accepted, and we agreed to insert the contingent fact of it in a separate Article, for the express purpose of keeping it secret for the present. That Article ought not, therefore, to be considered

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as a mere matter of favor to Britain, but as the result of a bargain, in which that Article was a *quid pro quo*.

It was in our opinion, both necessary and justifiable, to keep this Article secret. The negotiations between Spain, France, and Britain were then in full vigor, and embarrassed by a variety of clashing demands. The publication of this Article would have irritated Spain, and retarded, if not have prevented her coming to an agreement with Britain.

Had we mentioned it to the French Minister, he must have not only informed Spain of it, but also been obliged to act a part respecting it, that would probably have been disagreeable to America; and he certainly has reason to rejoice that our silence saved him that delicate and disagreeable task.

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This was an Article, in which France had not the smallest interest, nor is there anything in her treaty with us, that restrains us from making what bargain we please with Britain about those or any other lands, without rendering account of such transaction to her or any other power whatever. The same observation applies with still greater force to Spain; and neither justice nor honor forbid us to dispose as we pleased of our own lands without her knowledge or consent. Spain at that very time extended her pretensions and claims of dominion, not only over the tract in question but over the vast region lying between the Floridas and Lake Superior; and this Court was also, at that very time, soothing and nursing those pretensions by a proposed conciliatory line for splitting the difference. Suppose, therefore, we had offered this tract to Spain, in case she retained the Floridas, should we even have had thanks for it? or would it have abated the chagrin she experienced from being disappointed in her extravagant and improper designs on that whole country? We think not.

We perfectly concur with you in sentiment, Sir, that "*honesty is the best policy*." But, until it be shown that we have trespassed on the rights of any man, or body of men, you must excuse our thinking that this remark as applied to our proceedings was unnecessary.

Should any explanations, either with France or Spain become necessary on this subject, we hope and expect to meet with no embarrassment. We shall neither amuse them nor perplex ourselves with flimsy excuses, but tell them plainly, that it was not our duty to give them the information; we considered ourselves at liberty to withhold it. And we shall remind the French Minister that he has more reason to be pleased than displeased with our silence. Since we have assumed a place in the political system of the world, let us move like a primary and not like a secondary planet.

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We are persuaded, Sir, that your remarks on these subjects resulted from real opinion and were made with candor and sincerity. The best men will view objects of this kind in different lights even when standing on the same ground; and it is not to be wondered at, that we, who are on the spot and have the whole transaction under our eyes, should see many parts of it in a stronger point of light, than persons at a distance, who can only view it through the dull medium of representation.

It would give us great pain if anything we have written or now write respecting this Court should be construed to impeach the friendship of the King and nation for us. We also believe that the Minister is so far our friend, and is disposed so far to do us good offices, as may correspond with, and be dictated by his system of policy for promoting the power, riches, and glory of France. God forbid that we should ever sacrifice our faith, our gratitude, or our honor, to any considerations of convenience; and may He also forbid that we should ever be unmindful of the dignity and independent spirit, which should always characterize a free and generous people.

We shall immediately propose an Article to be inserted in the definitive treaty for postponing the payment of British debts for the time mentioned by Congress.

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There are, no doubt, certain ambiguities in our Articles, but it is not to be wondered at, when it is considered how exceedingly averse Britain was to any expressions, which explicitly wounded the Tories; and how disinclined we were to use any, that should amount to absolute stipulations in their favor.

The words for returning the property of *real British subjects* were well understood and explained between us, *not* to mean or comprehend *American refugees*. Mr Oswald and Mr Fitzherbert know this to have been the case, and will readily confess and admit it. This mode of expression was preferred by them, as a more delicate mode of excluding those refugees, and of making a proper distinction between them and the subjects of Britain, whose only particular interest in America consisted in holding lands or property there.

The 6th Article, viz. where it declares, that no *future confiscations* shall be made, &c. ought to have fixed the time with greater accuracy. We think the most fair and true construction is, that it relates to the date of the cessation of hostilities. That is the time when peace in fact took place, in consequence of prior informal, though binding, contracts to terminate the war. We consider the definitive treaties, as only giving the dress of form to those contracts, and not as constituting the obligation of them. Had the cessation of hostilities been the effect of truce, and consequently nothing more than a temporary suspension of war, another construction would have been the true one.

We are officially assured by Mr Hartley, that positive orders for the evacuation of New York have been despatched, and that no avoidable delay will retard that event. Had we proposed to fix a time for it, the British Commissioner would have contended, that it should be a time posterior to the date of the definitive treaty, and that would have been probably more disadvantageous to us, than as that Article now stands.

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We are surprised to hear, that any doubts have arisen in America, respecting the time when the cessation of hostilities took place there. It most certainly took place at the expiration of one month after the date of that declaration, in all parts of the world, whether by land or sea, that lay north of the latitude of the Canaries.

The ships afterwards taken from us, in the more northerly latitudes, ought to be reclaimed and given up. We shall apply to Mr Hartley on this subject, and also on that of the transportation of negroes from New York, contrary to the words and intention of the provisional articles.

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

TO ROBERT R. LIVINGSTON.

Paris, July 27th, 1783.

Sir,

The definitive treaties between the late belligerent powers are none of them yet completed. Ours has gone on slowly, owing partly to the necessity Mr Hartley, successor of Mr Oswald, thinks himself under of sending every proposition, either his own or ours, to his Court for their approbation, and their delay in answering, through negligence perhaps, since they have heard our ports are open, or through indecision, occasioned by ignorance of the subject, or through want of union among the Ministers. We send you herewith copies of several papers, that have passed between us. He has for some time assured us, that he is in hourly expectation of answers, but they do not arrive. The British Proclamation, respecting the commerce, appears to vex him a good deal. We enclose a copy. And we are of opinion, that finally we shall find it best to drop all commercial articles in our definitive treaty, and leave everything of that kind to a future special treaty, to be made either in America or in Europe, as Congress shall think fit to order. Perhaps it may be best to give powers for that purpose to the Minister, that probably will be sent to London. The opinion here is, that it will be becoming in us to take the first step towards the mutual exchange of Ministers, and we have been assured by the English Minister, who treats with us here, that ours will be well received.

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The Dutch preliminaries are not yet agreed on, and it seems to be settled, that we are to sign all together, in the presence of the Ministers of the two Imperial Courts, who are to be complimented with the opportunity of signing as mediators, though they have not yet, and perhaps will not be consulted in the negotiations. Mr Adams has gone to Holland for three weeks, but will return sooner if wanted. The propositions you mention, as made to us from that State, we suppose he has given you an account of. Nothing was, or is likely to be, done upon them here, and therefore it was less necessary to say anything concerning them. A Minister from thence has been gone some time to Congress, and if he has those propositions in charge, they will best be considered there.

With great esteem, we have the honor to be, &c.

B. FRANKLIN,
JOHN JAY.

PROJECT FOR A DEFINITIVE TREATY OF PEACE.

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Project for the Definitive Treaty of Peace and Friendship, between his Britannic Majesty and the United States of America, concluded at — the — day of — 1783.

Be it known to all those, to whom it shall or may in any manner belong.

It has pleased the Most High to diffuse the spirit of union and concord among the nations, whose divisions had spread troubles in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace, to succeed to the misfortunes of a long and bloody war, which having arisen between Great Britain and the United States of America, in its progress communicated itself to France, Spain, and the United Netherlands.

Consequently the United States of America, did, on the fifteenth of June, in the year of our Lord one thousand seven hundred and eightyone, name and appoint their Ministers Plenipotentiary, and resolve, ordain, and grant their Commission in the following words, viz. [See page [71](#).]

And his Majesty, the King of Great Britain, did on the twentyfirst day of September, in the twentysecond year of his reign, issue his Commission, under the great seal of Great Britain, to Richard Oswald, in the words following, viz. [See page [80](#).]

And his said Britannic Majesty, on the one part, and the said United States of America on the other, did lay the foundations of peace in the preliminaries, signed at Paris, on the thirtieth of November last, by the said Richard Oswald, on the part of his said Majesty, and by the said John Adams, Benjamin Franklin, John Jay, and Henry Laurens, on the part of the said United States, in virtue of their respective full powers aforesaid, and after having mutually shown to each other their said full powers in good form, and mutually exchanged authenticated copies of the same. 196

And his said Britannic Majesty did, on the twentyfourth day of July, in the year of our Lord one thousand, seven hundred and eightytwo, and in the twentysecond year of his reign, issue his Commission, signed with his royal hand, and under the great seal of Great Britain, to Alleyne Fitzherbert, in the following words, viz. [Here follows the Commission.]

And the said Alleyne Fitzherbert, on the part of his said Britannic Majesty, and John Adams and Benjamin Franklin, in the necessary absence of the said John Jay and Henry Laurens, on the part of the said United States, did, at Versailles, on the twentieth day of January last, communicate to each other their full powers aforesaid, in good form, and agreed upon an armistice in the words following; [See pp. [121](#), [123](#).]

And his Britannic Majesty did on the — day of — in the year of our Lord, one thousand seven hundred and eightythree, and in the twentythird year of his reign, issue his Commission, signed with his royal hand, and under the great seal of Great Britain, to David Hartley, in the following words, viz.: [Here follows the Commission.]

And now the said David Hartley, Minister Plenipotentiary of his said Britannic Majesty, in behalf of his said Majesty on the one part, and John Adams, Benjamin Franklin, and John Jay, Ministers Plenipotentiary of the said United States of America, in behalf of the said States on the other, having communicated to each other their aforesaid full powers in good form, and mutually exchanged authenticated copies of the same, have, by virtue thereof agreed, and do hereby agree and conclude upon the Articles, the tenor of which is as follows, viz. 197

Whereas reciprocal advantages and mutual convenience are found, by experience, to form the only permanent foundation of peace and friendship between States, it is agreed to form the Articles of this treaty on such principles of liberal equity and reciprocity, as that partial advantages, those seeds of discord, being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

ARTICLE I.

The same as Article 1st of the preliminary treaty, but finishing at "every part thereof."

ARTICLE II.

The same as Article 2d of the preliminary treaty, but commencing with the remaining part of Article 1st, "and that all disputes," &c. and ending with the words, "and the Atlantic ocean."

ARTICLE III.

The same as Article 3d of the preliminary treaty.

ARTICLE IV.

It is agreed, that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted, excepting that the respective governments on both sides may, if they think proper, pass acts directing, that, in consideration of the distresses and disabilities brought on by the war, and by the interruption of commerce, no execution shall be issued on a judgment to be obtained in any such case, until after the expiration of three years from the date of this definitive treaty; nor shall such judgments include any allowance for interest for the time that passed during the war, and until the signing hereof. 198

ARTICLE V.

And whereas doubts have arisen concerning the true construction of the 5th Article of the provisional treaty, and great difficulties are likely to arise in its execution, it is hereby agreed, that the same shall be declared void, and omitted in this definitive treaty.

And, instead thereof, it is agreed, that as exact an account as may be, shall be taken by Commissioners to be appointed for that purpose on each part, of all seizures, confiscations, or destruction of property belonging to the adherents of the Crown of Great Britain in America, (exclusive of prizes made at sea, and debts mentioned in the preceding Article,) and an account of all seizures, confiscations, or destruction of property belonging to the adherents of the United States residing either therein, or in Canada; and the said property being duly appraised and valued, the accounts thereof shall be compared, and the balance shall be paid in money by the party, which has suffered least, within one year after such adjustment of the said accounts. And it is further agreed, that all persons, who have any interest in confiscated lands, either by debts, or marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

The same as Article 6th of the preliminary treaty.

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ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one, and the citizens of the other. And his Britannic Majesty shall; with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein. And shall also order and cause all archives, records, deeds, and papers belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong. And all destruction of property, or carrying away of negroes, or other property belonging to the American inhabitants, contrary to the above stipulation, shall be duly estimated and compensated to the owners.

ARTICLE VIII.

The navigation of the rivers Mississippi and St Lawrence from their sources to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

ARTICLE IX.

The prisoners made respectively by the arms of his Britannic Majesty and the United States, by land and by sea, not already set at liberty, shall be restored reciprocally and *bona fide*, immediately after the ratification of the definitive treaty, without ransom, and on paying the debts they may have contracted during their captivity; and each party shall respectively reimburse the sums which shall have been advanced for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts and attested accounts and other authentic titles, which shall be produced on each side to commissioners, who shall be mutually appointed for the purpose of settling the same.

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ARTICLE X.

His Britannic Majesty shall employ his good offices and interposition with the King or Emperor of Morocco or Fez, the Regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other Prince, State, or Power of the coast of Barbary in Africa, and the subjects of the said King, Emperor, States, and Powers, and each of them, in order to provide, as fully and efficaciously as possible, for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said Provinces and States of Barbary, or their subjects.

ARTICLE XI.

If war should hereafter arise between Great Britain and the United States, which God forbid, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hinderance. And all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages, or places, who labor for the common subsistence and benefit of mankind, and peaceably follow their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. All merchants or traders, with their unarmed vessels employed in commerce, exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain, and more general, shall be allowed to pass freely unmolested. And neither of the powers, parties to this treaty, shall grant or issue

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any commission to any private armed vessel, empowering them to take or destroy such trading ships or interrupt such commerce.

ARTICLE XII.

And in case either of the contracting parties shall happen to be engaged in war with any other nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition, and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation and a loss of property to individuals; nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall further be allowed to use in the service of the captors, the whole, or any part of the military stores so detained, paying to the owners the full value of the same, to be ascertained by the current price at the place of its destination.

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ARTICLE XIII.

The citizens and inhabitants of the said United States, or any of them, may take and hold real estates in Great Britain, Ireland, or any other of his Majesty's dominions, and dispose by testament, donation, or otherwise, of their property, real or personal, in favor of such persons as to them shall seem fit; and their heirs, citizens of the United States, or any of them, residing in the British dominions, or elsewhere, may succeed them, *ab intestato*, without being obliged to obtain letters of naturalization.

The subjects of his Britannic Majesty shall enjoy on their part, in all the dominions of the said United States, an entire and perfect reciprocity, relative to the stipulations contained in the present Article.

ARTICLE XIV.

His Majesty consents, that the citizens of the United States may cut logwood as heretofore in the district allotted to his subjects by the treaty with Spain, on condition that they bring or send the said logwood to Great Britain, or Ireland, and to no other part of Europe.

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ARTICLE XV.

All the lakes, rivers, and waters, divided by the boundary line, or lines, between his Britannic Majesty's territories and those of the United States, as well as the rivers mentioned in Article — shall be freely used and navigated by the subjects and citizens of his said Majesty and of the said States, in common over the whole extent or breadth of the said lakes, rivers and waters. And all the carrying places, on which side soever situated of the said dividing waters, or between the said rivers and the waters or territories of either of the parties, may and shall be freely used by the traders of both, without any restraint, demand of duties, or tax, or any imposition whatsoever, except such as inhabitants of the country may be subject to.

ARTICLE XVI.

That in all places belonging to the United States, or either of them, in the country adjoining to the water line of division, and which, during the war, were in his Majesty's possession, all persons at present resident or having possessions or occupations as merchants or otherwise, may remain in the peaceable enjoyment of all civil rights, and in pursuit of their occupations, unless they shall within seven years from the date hereof, receive notice from Congress or the State to which any such place may appertain, to remove, and that upon any such notice of removal a term of two years shall be allowed for selling or withdrawing their effects and for settling their affairs.

204

ARTICLE XVII.

It is further agreed, that his Britannic Majesty's forces, not exceeding — in number, may continue in the posts now occupied by them, contiguous to the water line, until Congress shall give them notice to evacuate the said posts, and American garrisons shall arrive at said posts for the purpose of securing the lives, property, and peace of any persons settled in that country, against the invasion or ravages of the neighboring Indian nations, who may be suspected of retaining resentments in consequence of the late war.

ARTICLE XVIII.

It is further agreed, that his Britannic Majesty shall cause to be evacuated the ports of New York, Penobscot and their dependencies, with all other posts and places in possession of his Majesty's arms within the United States, in three months after the signing of this treaty, or sooner if possible, excepting those posts contiguous to the water line abovementioned, which are to be

evacuated on notice as specified in Article XVII.

ARTICLE XIX.

It is agreed that all vessels, which shall have been taken by either party from the other, after the term of twelve days within the Channel or the North Seas, or after the term of one month anywhere to the northward of the latitude of the Canaries inclusively, or after the term of two months between the latitude of the Canaries and the Equinoctial line, or after the term of five months in any other part of the world (all which said terms are to be computed from the third day of February last,) shall be restored.

205

His said Britannic Majesty and the said United States promise to observe sincerely and *bona fide*, all the Articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects and citizens.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in the city of London, or Philadelphia, between the contracting parties in the space of — months, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the underwritten, their Ministers Plenipotentiary, have signed with our hands, in their name, and in virtue of our full powers, the present definitive treaty, and have caused the seal of our arms to be put thereto.

Done at — the — day of — 1783.

RATIFICATION OF THE PROVISIONAL ARTICLES BY GREAT BRITAIN.

206

George R.

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer, and Prince Elector of the Holy Roman Empire, &c.

Whereas Provisional Articles between us and our good friends, the United States of America, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, were concluded and signed at Paris, on the thirtieth day of November, one thousand seven hundred and eightytwo, by the Commissioners of us and our said good friends, duly and respectively authorised for that purpose; which Provisional Articles are in the form and words following; [Here follows the treaty. See pages [109](#) to [115](#).]

We having seen and considered the Provisional Articles aforesaid, have approved, ratified, accepted, and confirmed the same in all and every one of their clauses, and provisos, as we do by these presents, approve, ratify, accept, and confirm them, for ourself, our heirs, and successors; engaging and promising upon our royal word, that we will sincerely and faithfully perform and observe, all and singular the things which are contained in the aforesaid Provisional Articles, and that we will never suffer them to be violated by any one, or transgressed in any manner, as far as it lies in our power. For the greater testimony and validity of all which, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand.

207

Given at our Court at St James, the sixth day of August, one thousand seven hundred and eightythree, in the twentythird year of our reign.

GEORGE R.

An Act of the British Parliament, repealing certain Acts prohibiting Intercourse with the United States.

An Act to repeal so much of two Acts, made in the sixteenth and seventeenth years of the reign of his present Majesty, as prohibits trade and intercourse with the United States of America.

Whereas it is highly expedient, that the intercourse between Great Britain and the United States of America should be immediately opened; be it therefore enacted and declared by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in the present Parliament assembled, and by the authority of the same, that an Act passed in the sixteenth year of his Majesty's reign, entitled, "An Act to prohibit all trade and intercourse with the Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, during the continuance of the present rebellion within the said Colonies respectively, for repealing an Act made in the fourteenth year of the

reign of his present Majesty, to discontinue the lading and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston in the province of Massachusetts Bay; and also two Acts, made in the last session of Parliament, for restraining the trade and commerce of the Colonies in the said Acts respectively mentioned; and to enable any person or persons, appointed and authorised by his Majesty to grant pardons, to issue proclamations, in the cases and for the purposes therein mentioned;" and also an Act, passed in the seventeenth year of his Majesty's reign, entitled, "An Act for enabling the Commissioners for executing the office of Lord High Admiral of Great Britain, to grant commissions to the commanders of private ships, and vessels employed in trade, or retained in his Majesty's service, to take and make prize of all such ships and vessels, and their cargoes, as are therein mentioned, for a limited time;" so far as the said Acts, or either of them, may extend, or be construed to extend, to prohibit trade and intercourse with the territories now composing the said United States of America, or to authorise any hostilities against the persons or properties of the subjects and citizens of the said United States, after the respective periods set forth in his Majesty's proclamation for the cessation of hostilities between Great Britain and the United States of America, bearing date the fourteenth day of February, one thousand seven hundred and eightythree, shall be, and the same are henceforth repealed.

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Anno vicesimo tertio Georgii III, Regis; cap. 26.

DAVID HARTLEY TO THE COMMISSIONERS.

209

Paris, August, 29th, 1783.

Gentlemen,

As the day is now fixed for the signatures of the definitive treaties, between Great Britain, France, and Spain, I beg leave to inform your Excellencies, that I am ready to sign the definitive treaty, between Great Britain and the United States of America, whenever it shall be convenient to you. I beg the favor, therefore, of you to fix the day. My instructions confine me to Paris, as the place appointed to me for the exercise of my functions, and, therefore, whatever day you may fix upon for the signature, I shall hope to receive the honor of your company at the *Hôtel de York*.

I am, Gentlemen, with the greatest respect, yours, &c.

DAVID HARTLEY.

TO DAVID HARTLEY.

Passy, August 30th, 1783.

The American Ministers Plenipotentiary for making peace with Great Britain, present their compliments to Mr Hartley. They regret that Mr Hartley's instructions will not permit him to sign the definitive treaty of peace with America at the place appointed for the signature of the others. They will, nevertheless, have the honor of waiting upon Mr Hartley at his lodgings at Paris, for the purpose of signing the treaty in question, on Wednesday morning at eight o'clock.

DAVID HARTLEY TO THE COMMISSIONERS.

210

Paris, September 4th, 1783.

Gentlemen,

It is with the sincerest pleasure that I congratulate you on the happy event which took place yesterday, viz.; the signature of the definitive treaty between our two countries. I considered it as the auspicious presage of returning confidence, and of the future intercourse of all good offices between us. I doubt not that our two countries will entertain the same sentiments, and that they will behold with satisfaction the period which terminates the memory of their late unhappy dissensions, and which leads to the renewal of all the ancient ties of amity and peace. I can assure you, that his Britannic Majesty and his confidential servants entertain the strongest desire of a cordial good understanding with the United States of America. And that nothing may be wanting on our parts to perfect the great work of pacification, I shall propose to you in a very short time, to renew the discussion of those points of amity and intercourse which have been lately suspended, to make way for the signature of the treaties between all the late belligerent powers, which took place yesterday.

We have now the fairest prospects before us, and an unembarrassed field for the exercise of every beneficent disposition, and for the accomplishment of every object of reciprocal advantage

between us. Let us, then, join our hearts and hands together in one common cause for the reunion of all our ancient affections and common interests.^[16]

211

I am, Gentlemen, &c.

DAVID HARTLEY.

FOOTNOTE:

[16] As the definitive treaty was an exact copy of the Provisional Articles (see above, p. 109) it is here omitted.

B. FRANKLIN TO CHARLES FOX.

Passy, September 5th, 1783.

Sir,

I received in its time the letter you did me the honor of writing to me by Mr Hartley; and I cannot let him depart without expressing my satisfaction in his conduct towards us, and applauding the prudence of that choice, which sent us a man possessed of such a spirit of conciliation, and of all that frankness, sincerity, and candor, which naturally produce confidence, and thereby facilitate the most difficult negotiations. Our countries are now happily at peace, on which I congratulate you most cordially; and I beg you to be assured, that as long as I have any concern in public affairs, I shall readily and heartily concur with you in promoting every measure that may tend to promote the common felicity.

With great and sincere esteem and respect, I have the honor to be, &c.

B. FRANKLIN.

TO DAVID HARTLEY.

212

Passy, September 5th, 1783.

Sir,

We have received the letter you did us the honor to write yesterday.

Your friendly congratulations on the signature of the definitive treaty meet with cordial returns on our part; and we sincerely rejoice with you on that event, by which the Ruler of nations has been graciously pleased to give peace to our two countries.

We are no less ready to join our endeavors than our wishes with yours, to concert such measures for regulating the future intercourse between Great Britain and the United States, as, by being consistent with the honor and interests of both, may tend to increase and perpetuate mutual confidence and good will.

We ought, nevertheless, to apprise you, that as no construction of our commission could at any period extend it, unless by implication, to several of the proposed stipulations; and as our instructions respecting commercial provisions, however explicit, suppose their being incorporated in the definitive treaty, a recurrence to Congress previous to the signature of them will be necessary, unless obviated by the despatches we may sooner receive from them.

We shall immediately write to them on the subject, and we are persuaded that the same disposition to confidence and friendship, which has induced them already to give unrestrained course to British commerce and unconditionally to liberate all prisoners at a time when more caution would not have appeared singular, will also urge their attention to the objects in question, and lead them to every proper measure for promoting a liberal and satisfactory intercourse between the two countries.

213

We have communicated to Congress the repeated friendly assurances with which you have officially honored us on these subjects, and we are persuaded that the period of their being realized will have an auspicious and conciliating influence on all the parties in the late unhappy dissensions.

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,

TO DAVID HARTLEY.

Passy, September 7th, 1783.

Sir,

We have the honor of transmitting, herewith enclosed an extract of a resolution of Congress of the 1st of May last, which we have just received.

You will perceive from it, that we may daily expect a commission in due form, for the purposes mentioned in it; and we assure you of our readiness to enter upon the business whenever you may think proper.^[17]

We have the honor to be, &c.

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

FOOTNOTE:

[17] *In Congress, May 1st, 1783.* On the report of a committee to whom was referred a letter of February 5th, from the honorable John Adams,

"Ordered, That a commission be prepared to Messrs John Adams, Benjamin Franklin and John Jay, authorising them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revival of the contracting parties, previous to its final conclusion, and in the meantime to enter into a commercial convention, to continue in force one year.

"That the Secretary of Foreign Affairs lay before Congress, without delay, a plan of a treaty of commerce, and instructions relative to the same, to be transmitted to the said commissioners."

TO THE PRESIDENT OF CONGRESS.

214

Passy, September 10th, 1783.

Sir,

On the 3d instant definitive treaties of peace were concluded between all the late belligerent powers, except the Dutch, who the day before settled and signed preliminary articles of peace with Britain.

We most sincerely and cordially congratulate Congress and our country in general on this happy event; and we hope, that the same kind providence, which has led us through a rigorous war to an honorable peace, will enable us to make a wise and moderate use of that inestimable blessing.

We have communicated a duplicate original of the treaty to the care of Mr Thaxter, who will go immediately to L'Orient, whence he will sail in the French packet to New York. That gentleman left America with Mr Adams as his private Secretary, and his conduct having been perfectly satisfactory to that Minister, we join in recommending him to the attention of Congress. We have ordered Mr Grand to pay him one hundred and thirty louis d'ors, on account of the reasonable expenses to be incurred by his mission to Congress, and his journey from thence to his family at Hingham, in the Massachusetts Bay. For the disposition of the money he is to account. The definitive treaty being in the terms of the Provisional Articles, and not comprehending any of the objects of our subsequent negotiations, it is proper that we give a summary account of them.

215

When Mr Hartley arrived here, he brought with him only a set of instructions, signed by the King. We objected to proceeding with him until he should have a commission in form. This occasioned some delay. A proper commission was, however, transmitted to him, a copy of which was shortly after sent to Mr Livingston.

We having been instructed to obtain, if possible, an Article for a direct trade to the West Indies, made to Mr Hartley the proposition No. 1.^[18]

He approved of it greatly, and recommended it to his Court, but they declined assenting to it.

Mr Hartley then made us the proposition No. 2;^[19] but being asked, whether he was authorised to sign it, in case we agreed to it, he answered in the negative. We, therefore, thought it improper to proceed to the consideration of it, until after he should have obtained the consent of his Court to it. We also desired to be informed, whether his Court would, or would not, comprehend Ireland in their stipulations with us.

The British Cabinet would not adopt Mr Hartley's propositions, but their letters to him were calculated to inspire us with expectations, that as nothing but particular local circumstances, which would probably not be of long duration, restrained them from preferring the most liberal system of commerce with us, the Ministry would take the earliest opportunity of gratifying their own wishes, as well as ours, on that subject.

216

Mr Hartley then made us the propositions No. 3.^[20] At this time, we were informed, that letters for us had arrived in France from Philadelphia; we expected to receive instructions in them, and told Mr Hartley, that this expectation induced us to postpone giving him an answer for a few days.

The vessel by which we expected these letters, it seems had not brought any for us. But at that time information arrived from America, that our ports were all opened to British vessels. Mr Hartley thereupon did not think himself at liberty to proceed, until after he should communicate that intelligence to his Court and receive their further instructions.

Those further instructions never came; and thus our endeavors as to commercial regulations proved fruitless. We had many conferences, and received long Memorials from Mr Hartley on the subject; but his zeal for systems friendly to us, constantly exceeded his authority to concert and agree to them.

During the long interval of his expecting instructions, for his expectations were permitted to exist almost to the last, we proceeded to make and receive propositions for perfecting the definitive treaty. Details of all the amendments, alterations, objections, expectations, &c. which occurred in the course of these discussions, would be voluminous. We finally agreed that he should send to his Court the project or draft of a treaty, No. 4.^[21] He did so, but after much time, and when pressed by France, who insisted that we should all conclude together, he was instructed to sign a definitive treaty in the terms of the Provisional Articles.

217

Whether the British Court meant to avoid a definitive treaty with us, through a vain hope, from the exaggerated accounts of divisions among our people, and want of authority in Congress, that some revolution might soon happen in their favor; or whether their dilatory conduct was caused by the strife of the two opposite and nearly equal parties in the Cabinet, is hard to decide.

Your Excellency will observe, that the treaty was signed at Paris, and not at Versailles. Mr Hartley's letter of August 29th, and our answer, will explain this. His objections, and indeed our proceedings in general, were communicated to the French Minister, who was content that we should acquiesce, but desired that we would appoint the signing early in the morning, and give him an account of it at Versailles by express, for that he would not proceed to sign on the part of France, till he was sure that our business was done.

The day after the signature of the treaty, Mr Hartley wrote us a congratulatory letter, to which we replied.

He has gone to England, and expects soon to return, which for our parts we think uncertain. We have taken care to speak to him in strong terms, on the subject of the evacuation of New York, and the other important subjects proper to be mentioned to him. We think we may rely on his doing everything in his power to influence his Court to do what they ought to do; but it does not appear, that they have as yet formed any settled system for their conduct relative to the United States. We cannot but think, that the late and present aspect of affairs in America, has had and continues to have, an unfavorable influence, not only in Britain but throughout Europe.

218

In whatever light the Article respecting the tories may be viewed in America, it is considered in Europe as very humiliating to Britain, and therefore as being one, which we ought in honor to perform and fulfil with the most scrupulous regard to good faith, and in a manner least offensive to the feelings of the King and Court of Great Britain, who upon that point are extremely tender.

The unseasonable and unnecessary resolves of various towns on this subject, the actual expulsion of tories from some places, and the avowed implacability of almost all who have published their sentiments about the matter, are circumstances, which are construed, not only to the prejudice of our national magnanimity and good faith, but also to the prejudice of our governments.

Popular committees are considered here, as with us, in the light of substitutes to constitutional government, and as being only necessary in the interval between the removal of the former and the establishment of the present.

The constitutions of the different States have been translated and published, and pains have been taken to lead Europe to believe, that the American States, not only made their own laws, but obeyed them. But the continuance of popular assemblies, convened expressly to deliberate on matters proper only for the cognizance of the different legislatures and officers of government,

and their proceeding not only to ordain, but to enforce their resolutions, has exceedingly lessened the dignity of the States in the eyes of these nations.

219

To this we may also add, that the situation of the army, the reluctance of the people to pay taxes, and the circumstances under which Congress removed from Philadelphia, have diminished the admiration, in which the people of America were held among the nations of Europe, and somewhat abated their ardor for forming connexions with us, before our affairs acquire a greater degree of order and consistence.

Permit us to observe, that in our opinion, the recommendation of Congress, promised in the fifth Article, should immediately be made in the terms of it, and published, and that the States should be requested to take it into consideration, as soon as the evacuation by the enemy shall be completed. It is also much to be wished, that the legislatures may not involve all the tories in banishment and ruin, but that such discrimination may be made, as to entitle the decisions to the approbation of disinterested men and dispassionate posterity.

On the 7th instant we received your Excellency's letter of the 16th of June last, covering a resolution of Congress of the 1st of May, directing a commission to us for making a treaty of commerce, &c. with Great Britain. This intelligence arrived very opportunely to prevent the anti-American party in England from ascribing any delays, on our part, to motives of resentment to that country. Great Britain will send a Minister to Congress, as soon as Congress shall send a Minister to Britain, and we think much good might result from that measure.

The information of M. Dumas, that we encouraged the idea of entering into engagements with the Dutch, to defend the freedom of trade, was not well founded. Our sentiments on that subject exactly correspond with those of Congress; nor did we even think or pretend, that we had authority to adopt any such measures.

220

We have reason to think that the Emperor, and Russia, and other commercial nations, are ready to make treaties of commerce with the United States. Perhaps it might not be improper for Congress to direct, that their disposition on the subject be communicated to those Courts, and thereby prepare the way for such treaties.

The Emperor of Morocco has manifested a very friendly disposition towards us. He expects, and is ready to receive a Minister from us; and as he may either change his mind, or may be succeeded by a prince differently disposed, a treaty with him may be of importance. Our trade to the Mediterranean will not be inconsiderable, and the friendship of Morocco, Algiers, Tunis, and Tripoli may become very interesting, in case the Russians should succeed in their endeavors to navigate freely into it by Constantinople.

Much, we think, will depend on the success of our negotiations with England. If she should be prevailed upon to agree to a liberal system of commerce, France, and perhaps some other nations, will follow her example; but if she should prefer an exclusive, monopolizing plan, it is probable that her neighbors will continue to adhere to their favorite restrictions.

Were it certain that the United States could be brought to act as a nation, and would jointly and fairly conduct their commerce on principles of exact reciprocity with all nations, we think it probable that Britain would make extensive concessions. But, on the contrary, while the prospect of disunion in our councils, or want of power and energy in our executive departments exist, they will not be apprehensive of retaliation, and consequently lose their principal motive to liberty. Unless, with respect to all foreign nations and transactions, we uniformly act as an entire united nation, faithfully executing and obeying the constitutional acts of Congress on those subjects, we shall soon find ourselves in the situation in which all Europe wishes to see us, viz. as unimportant consumers of her manufactures and productions, and as useful laborers to furnish her with raw materials.

221

We beg leave to assure Congress that we shall apply our best endeavors to execute this new commission to their satisfaction, and shall punctually obey such instructions as they may be pleased to give us relative to it. Unless Congress have nominated a Secretary to that commission, we shall consider ourselves at liberty to appoint one; and as we are satisfied with the conduct of Mr Franklin, the Secretary to our late commission, we propose to appoint him, leaving it to Congress to make such compensation for his services as they may judge proper.

Count de Vergennes communicated to us a proposition, viz. herewith enclosed,^[22] for explaining the 2d and 3d Articles of our treaty with France in a manner different from the sense in which we understand them. This being a matter in which we have no right to interfere, we have not expressed any opinion about it to the Court.

With great respect, we have the honor to be, Sir, your Excellency's most obedient and most humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

FOOTNOTES:

[18] See Mr Adams's proposed agreement, above, p. [151](#).

[19] See Mr Hartley's proposed agreement, p. [154](#).

[20] Above, p. [182](#).

[21] See above, p. [195](#).

[22] See above, p. [146](#).

FROM CONGRESS TO THE COMMISSIONERS.

222

October 29th, 1783.

By the United States in Congress assembled.

To the Commissioners of the United States of America at the Court of Versailles,
empowered to negotiate a peace, or to any one or more of them;

1st. You are instructed and authorised to announce to his Imperial Majesty the Emperor of Germany, or to his Ministers, the high sense which the United States in Congress assembled entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his Imperial Majesty, and the citizens of these United States.

2dly. You are instructed to meet the advances and encourage the disposition of the other commercial powers in Europe for entering into treaties of amity and commerce with these United States. In negotiations on this subject, you will lay it down as a principle in no case to be deviated from, that they shall respectively have for their basis the mutual advantage of the contracting parties on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction; and that, with the drafts or propositions for such treaties, shall be transmitted all the information which shall come within the knowledge of the said Ministers respecting the same; and their observations after the most mature inquiry on the probable advantages or disadvantages and effects of such treaties respectively.

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3dly. You are instructed to continue to press upon the Ministers of his Danish Majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the Alliance frigate and sent into Bergen, and how essentially it concerns the honor of the United States that their gallant citizens should not be deprived of any part of those prizes, which they had so justly acquired by their valor. That as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more however is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish Majesty, and to promote a commercial intercourse between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations. That it is therefore the wish of Congress, that this claim should still be referred to the equitable disposition of his Danish Majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly you are fully authorised and directed, after exerting your best endeavors to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish Majesty can be prevailed upon to grant.

4thly. You are further instructed, to inquire and report to Congress the reasons why the expedition of the Alliance and Bon Homme Richard, and the squadron which accompanied them, was carried on at the expense and on account of the Court of France; whether any part of the profit arising therefrom accrued to the United States; or any of the expense thereof has been placed to their account; whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount, where, and in whose hands.

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5thly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our Ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe, that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations, and of the privileges of commerce, yet they are unwilling at this juncture, to become a party to a confederacy which may hereafter too

far complicate the interests of the United States with the politics of Europe; and, therefore, if such a progress is not already made in this business as may render it dishonorable to recede, it is the desire of Congress and their instruction to each of the Ministers of the United States at the respective Courts in Europe, that no further measures be taken at present towards the admission of the United States into that confederacy.

6thly. The Ministers of these States for negotiating a peace with Great Britain are hereby instructed, authorised and directed, to urge forward the definitive treaty to a speedy conclusion; and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the Provisional Articles, that they shall agree to adopt the Provisional Articles as the substance of a definitive treaty of peace.

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7thly. The Minister or Ministers of these United States for negotiating a peace are hereby instructed to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20th of January, 1783, relative to captures, viz. "that the term should be one month from the Channel and North Sea as far as the Canary Islands, inclusively, whether in the ocean or the Mediterranean."

8thly. Mr Jay is hereby authorised to direct Mr Carmichael to repair to Paris, should Mr Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr Carmichael's absence; and that Mr Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the accounts of public moneys which have passed through the hands of Mr Jay and himself; and that Mr Barclay attend Mr Jay and Mr Carmichael to adjust those accounts.

9thly. Mr Jay has leave to go to Bath, should he find it necessary for the benefit of his health.

RATIFICATION OF THE DEFINITIVE TREATY BY CONGRESS.

226

Know ye, that we, the United States in Congress assembled, having seen and considered the Definitive Articles aforesaid, (meaning the treaty signed by the Commissioners in Paris, on the 30th of November, 1782,) have approved, ratified, and confirmed, and by these presents do approve, ratify, and confirm the said Articles, and every part and clause thereof, engaging and promising, that we will sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness, his Excellency THOMAS MIFFLIN, President, this fourteenth day of January, in the year of our Lord, one thousand seven hundred and eighty four, and in the eighth year of the sovereignty and independence of the United States of America.

PROCLAMATION OF CONGRESS RESPECTING THE DEFINITIVE TREATY.

By the United States in Congress assembled,

A PROCLAMATION.

Whereas Definitive Articles of peace and friendship between the United States of America and his Britannic Majesty, were concluded and signed at Paris, on the third day of September, one thousand seven hundred and eightythree, by the Plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorised for that purpose; which Definitive Articles are in the words following; [Here follows the treaty.]

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And we, the United States in Congress assembled, having seen and duly considered the Definitive Articles aforesaid, did, by a certain act under the seal of the United States, bearing date this 14th day of January, 1784, approve, ratify, and confirm the same, and every part and clause thereof, engaging and promising, that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should be in our power; and being sincerely disposed to carry the said Articles into execution, truly, honestly, and with good faith, according to the intent and meaning thereof, we have thought proper by these presents, to notify the premises to all the good citizens of the United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive, and judiciary, all persons bearing office, civil or military, of whatever rank, degree, and powers, and all others the good citizens of these States, of every vocation and condition, that reverencing those stipulations entered into on their behalf, under the authority of that federal bond, by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith, which is every man's surest guide, within their several offices, jurisdictions, and vocations, they carry into effect the said Definitive Articles, and every clause and sentence thereof, sincerely, strictly, and completely.

Given under the seal of the United States. Witness, his Excellency Thomas Mifflin, our President, at Annapolis, this fourteenth day of January, in the year of our Lord, one thousand seven hundred and eightyfour, and of the sovereignty and independence of the United States of America, the eighth.

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Resolved, unanimously, nine States being present, that it be, and it is hereby earnestly recommended to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts, which were in the possession of his Britannic Majesty's arms, at any time between the thirtieth day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as may have been confiscated; and it is also hereby earnestly recommended to the several States, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail; and it is hereby also earnestly recommended to the several States, that the estates, rights, and properties of such last mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price, (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

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Ordered, That a copy of the Proclamation of this date, together with the recommendation, be transmitted to the several States by the Secretary.

RATIFICATION OF THE DEFINITIVE TREATY BY GREAT BRITAIN.

George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch Treasurer, and Prince Elector of the Holy Roman Empire, &c. To all to whom these presents shall come, Greeting.

Whereas a definitive treaty of peace and friendship, between us and our good friends, the United States of America, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, was concluded and signed at Paris, the 3d day of September last, by the Plenipotentiaries of us, and our said good friends, duly and respectively authorised for that purpose, which definitive treaty is in the form and words following; [Here follows the treaty.]

We, having seen and considered the definitive treaty aforesaid, have approved, ratified, accepted, and confirmed it, in all and every one of its Articles and clauses, as we do by these presents, for ourself, our heirs and successors, approve, ratify, accept, and confirm the same, engaging and promising, upon our royal word, that we will sincerely and faithfully perform and observe all and singular the things which are contained in the aforesaid treaty, and that we will never suffer it to be violated by any one, or transgressed in any manner, as far as it lies in our power. For the greater testimony and validity of all which, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand.

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Given at the Court of St James, the ninth day of April, one thousand seven hundred and eightyfour, in the twentyfourth year of our reign.

GEORGE R.

THE
CORRESPONDENCE
OF
**CONRAD ALEXANDER
GERARD;**

**MINISTER PLENIPOTENTIARY FROM THE COURT OF FRANCE TO THE
UNITED STATES.**

Conrad Alexander Gerard was the first Minister from any foreign Court to the United States. When the American Commissioners went to Paris, in the year 1776, he was principal Secretary to the Council of State, and on terms of the strictest intimacy and confidence with Count de Vergennes, the Minister of Foreign Affairs. Under the auspices of that Minister, and in concert with him, M. Gerard early took a strong interest in the concerns of the United States, and abetted the cause of their independence. He negotiated, on the part of the French government, the first treaties of alliance and commerce with the United States, signed on the 6th of February, 1778, by him for one of the contracting parties, and by Franklin, Deane, and Lee for the other.

His knowledge of American affairs, and his general ability, pointed him out as the most suitable person to represent the French Court as Minister to Congress. He came over to this country in the fleet with Count d'Estaing and arrived in Philadelphia about the middle of July, 1778. After discharging the duties of a Minister Plenipotentiary for more than a year, in a manner highly acceptable to Congress and the whole country, as well as to his own government, he asked his recall, and took his final leave of Congress on the 17th of September, 1779. He returned to Europe in the same vessel, which took out Mr Jay as Minister Plenipotentiary to the Court of Spain.

THE
CORRESPONDENCE
OF
**CONRAD ALEXANDER
GERARD;**
MINISTER FROM FRANCE.

LETTER FROM THE KING OF FRANCE TO CONGRESS.

Very dear and great Friends and Allies,

The treaties which we have signed with you in consequence of the propositions made to us on your part, by your deputies, are a certain guarantee to you of our affection for the United States in general, and for each one of them individually, as well as of the interest which we take, and shall always continue to take, in their happiness and prosperity. In order to convince you of this in a more particular manner, we have appointed M. Gerard, Secretary of our Council of State, to reside near you in quality of our Minister Plenipotentiary. He is the better acquainted with the sentiments which we entertain towards you, and is the more able to answer for them to you, as he has been intrusted on our part with negotiating with your deputies, and as he has signed with them the treaties which cement our union, we request you to give full credit to all that he shall say to you on our part, particularly when he shall assure you of our affection and of our constant friendship for you. Moreover, we pray God, that he will have you, very dear and great Friends and Allies, under his holy and worthy protection.

Written at Versailles, the 28th of March, 1778.

Your good Friend and Ally,

LOUIS.

**APPOINTMENT OF CONSUL-GENERAL OF FRANCE IN THE UNITED
STATES.**

Louis, by the Grace of God, King of France and Navarre, to all those to whom these presents shall

come, Greeting.

Thinking it necessary to create the office of our Consul-General at Boston, and other ports belonging to the United States of North America, and being desirous to confer a favor on M. Gerard, we have thought that we could not make choice of a better person than he, to fulfil the duties of this office, by our knowledge of his zeal and affection for our service and for the interests of our subjects, and of his judgment and ability in naval affairs; for these reasons, and others moving us thereto, we have nominated and appointed the said M. Gerard, and by these presents signed with our hand, do nominate and appoint him our Consul-General at Boston, and other ports belonging to the United States of North America, with power to appoint consuls and vice-consuls in the places where he shall judge them necessary; to have and to hold the said office, to exercise, enjoy, and use it, so long as it shall please us, with the honors, authorities, advantages, prerogatives, privileges, exemptions, rights, benefits, profits, revenues, and emoluments which belong to it, such, and the same as those which our other Consuls-General enjoy. We prohibit all French merchants, and all persons sailing under the French flag, from disturbing him in the possession, duties and exercise of this consulate. We enjoin on all captains, masters and commanders of ships, barks and other vessels, armed and sailing under the said flag, as well as on all our other subjects, to acknowledge the said M. Gerard, and to obey him in this capacity. We pray and request our very dear and great Friends and Allies, the Congress of the United States of North America, their governors and other officers whom it shall concern, to allow the said M. Gerard, and the consuls and vice-consuls whom he shall appoint to the said office, to possess it fully and peaceably, without causing, or allowing to be caused to them, any disturbance or hinderance; but on the contrary to give them all favor and assistance; offering to do the same for all those who shall be thus recommended to us on their part. In witness whereof we have caused our privy seal to be affixed to these presents.

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Given at Versailles, the twentyeighth day of March, in the year of our Lord one thousand seven hundred and seventyeight, and of our reign the fifth.

LOUIS.

THE KING OF FRANCE TO CONGRESS.

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Very dear and great Friends and Allies,

You will learn, undoubtedly, with gratitude, the measure, which the conduct of the King of Great Britain has induced us to take, of sending a fleet to endeavor to destroy the English forces upon the shores of North America. This expedition will convince you of the eagerness and the vigor, which we are resolved to bring to the execution of the engagements, which we have contracted with you. We are firmly persuaded, that your fidelity to the obligations, which your Plenipotentiaries have contracted in your name, will animate more and more the efforts, which you are making with so much courage and perseverance.

The Count d'Estaing, Vice-Admiral of France, is charged to concert with you the operations, the conduct of which we have intrusted to him, in order that the combination of measures on each side may render them as advantageous to the common cause as circumstances will permit. We entreat you to give full credit to everything, which he shall communicate to you on our part, and to place confidence in his zeal and in his talents.

Moreover, we pray God, that he will have you, very dear and great Friends and Allies, under his holy protection.

Written at Versailles, the twentyeighth day of March, in the year of our Lord, one thousand seven hundred and seventyeight.

LOUIS.

COUNT D'ESTAING TO THE PRESIDENT OF CONGRESS.

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At Sea, July 8th, 1778.

Sir,

I have the honor of informing your Excellency, and by you of giving notice to Congress, of the arrival of the squadron of the King upon the shores of the United States of America.

Honored with full powers from the King to treat with Congress, I have the honor, Sir, of sending to your Excellency the copy of my credentials relating to this subject, the honor of presenting them myself; my desire to wait upon the respectable representatives of a free nation, my eagerness to reverence in them the noble qualities of wisdom and firmness, which distinguish them, virtues which all Europe admires and which France loves, are a happiness, which can be

delayed only by my desire to render myself worthy of the favors of the United States, while I begin by performing the duties, which circumstances and my military functions impose upon me; I hope that they will serve as my excuse, and that your Excellency will have the kindness to offer them as such to Congress.

I have the honor of writing to his Excellency, General Washington, and shall have that of sending to his head quarters two officers in succession, in order to offer to him to combine my movements with his own. The merited reputation, which so great a soldier has so justly acquired, does not allow me to doubt that he is convinced better than any one else of the value of the first movements. I hope that the authority vested in him by Congress, has allowed him the liberty of taking advantage of them, and that we shall be able immediately, and without any delay, to act in concert for the benefit of the common cause; which seemed to me to require, that the orders of Congress should remove as speedily as possible, the legal difficulties, of which, perhaps, there are none.

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Monsieur de Chouin, Major of infantry, and relation of M. de Sartine, is charged with delivering this letter to your Excellency; he is one of the officers whom I send to General Washington.

The readiness with which his Excellency, M. Gerard, Minister Plenipotentiary of the King, is hastening to take up his residence near Congress, and there to display the character with which his Majesty has invested him, will prevent all the delays, which my distance might occasion with regard to the military agreements. I have the honor of assuring your Excellency, that I shall make it my duty and pleasure to execute everything that M. Gerard shall promise. The promises, which he will make to you, will need no other ratifications on my part than those, which my physical force demands, and which the nature of the profession makes necessarily to depend upon the military or naval force, which is in operation.

A Minister so happy as to have had the glory of signing the treaty, which unites two powers whose interests are so intimately connected, will preserve the most important influence upon my further designs. The escort, which conducts him, that by which the King sends back to the United States his Excellency, Silas Deane, is, undoubtedly, the most brilliant which has ever accompanied Ambassadors. I dare hope that it will prove useful to the mutual interest of the two nations.

That will be the happiest moment of my life, in which I shall be able to contribute to it in anything. I shall, at the same time fulfil my duty, as an officer charged with the orders of his Majesty, and I shall satisfy my principles and my inclination as an individual.

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I have the honor to be, &c.

ESTAING.

P. S. Permit me to recommend to the favor of Congress, Messrs John Nicholson, Elias Johnson, and Henry Johnson. Mr Nicholson preserved the ship *Tonnant*, which is the second in the squadron, and Mr Elias Johnson conducted himself with the greatest zeal and the greatest bravery on board the frigate *Engageante*, in the engagement in which she took the privateer *Rose*, in the Chesapeake Bay.

RESOLVES OF CONGRESS RESPECTING THE COUNT D'ESTAING'S LETTER, AND THE RECEPTION OF M. GERARD.

In Congress, July 11th, 1778.

Resolved, that General Washington be informed by the President, that it is the desire of Congress, that he co-operate with the Count d'Estaing, commander of a French squadron now on the coast of North America, and proceeding to New York, in the execution of such offensive operations against the enemy as they shall mutually approve.

His Most Christian Majesty, the King of France, having thought proper to send on the coasts a powerful fleet, in order to co-operate with the forces of these States in the reduction of the British army and navy, Resolved, that General Washington be empowered to call on the States of New Hampshire, Massachusetts Bay, Connecticut, Rhode Island, New York, New Jersey, or such of them as he shall judge proper, for such aids of their militia as he shall think requisite for carrying on his operations, in concert with Count d'Estaing, commander of the French fleet; and that it be earnestly recommended to the abovementioned, to exert themselves in forwarding the force, which may be required of them with the utmost despatch.

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Resolved, that the Marine Committee be directed to order the Commissioners of the navy to the eastward, to fit out as many continental frigates and armed vessels as possible, with the utmost despatch, to join the French squadron in their operations against the enemy.

Ordered, that the Board of War take measures for providing a suitable house for the accommodation of M. Gerard; and that they give the necessary orders for receiving M. Gerard with proper honor on his arrival.

Resolved, that a committee of five be appointed to wait on M. Gerard on his arrival, and conduct him to his lodgings.

The members chosen, Mr Hancock, Mr Lee, Mr Drayton, Mr Roberdeau, and Mr Duer.

Next morning the committee went to Chester to meet M. Gerard, who received them on board the frigate. In going on board they were saluted with fifteen guns. They then went on shore and waited on him to Philadelphia, and conducted him to General Arnold's head quarters, where a dinner was provided for him and his suit, and a number of the members of Congress. Before dinner he waited on the President.

On Tuesday he delivered to the President sundry papers to be laid before Congress,^[23] desiring to know in what capacity Congress were willing to receive him; whether as Minister Plenipotentiary or resident, intimating, that in whatever quality he was received, it would be expected, that the Commissioners from the States at the Court of France should be vested with the same.

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FOOTNOTE:

[23] Letters from the King, and notes of M. Gerard.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 14th, 1778.

Sir,

His Excellency, the Count d'Estaing, Vice-Admiral of France, commander of the squadron of the King, being desirous to procure for the armed vessels, whether public or private, of the United States, the means of availing themselves of the operations of this squadron, in order to take prizes from the common enemy, the undersigned has the honor to inform Congress, that all their armed vessels will enjoy the most extended protection of the squadron of his Most Christian Majesty, and that the prizes which they may be able to take will belong entirely to them. He leaves it to the wisdom of Congress to fix upon the means of deriving from this arrangement, the advantage of which it is susceptible. The American vessels, which shall apply to his Excellency the Vice-Admiral, will receive the signals which will be necessary; and the undersigned will successively communicate them to Congress, that information of them may be given to those who shall sail from the ports. He relies on the prudence of Congress in relation to the measures necessary to ensure success in this matter.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 14th, 1778.

Sir,

The squadron which the King, my master, has sent, in order to act in concert with the United States, against the common enemy, having taken some prisoners during its passage, the keeping of whom on board of the vessels would be embarrassing and even dangerous, the undersigned requests the Congress of the said United States to have the goodness to cause these prisoners, as well as those whom the King's squadron shall be able to take in the course of its operations, to be received, to cause provision to be made for their safe keeping and subsistence, in the same manner as that which it makes use of for its own prisoners, and to hold them at the disposal of the King, and subject to the orders of his Excellency, the Count d'Estaing, Vice-Admiral of France, and commander of his Majesty's squadron.

The undersigned will take care to cause all the expenses incurred on this occasion to be reimbursed at certain periods, in such manner as the Congress shall be pleased to point out.^[24]

GERARD.

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FOOTNOTE:

[24] Congress took into consideration the Memorial respecting prisoners, and thereupon

"Resolved, that all prisoners taken, or which may be taken, by the squadron of his Most Christian Majesty, under the command of the Count d'Estaing, Vice-Admiral of France, be received by the Commissary-General of prisoners, and that he provide for their safe custody and subsistence in like manner as has been usual for the prisoners of these States. That he make monthly returns of all prisoners, which shall be by him so received, to the Board of War. That he make monthly returns to the treasury, of the accounts of all moneys expended for the purposes aforesaid, and that the prisoners be held at the disposal of his Most Christian Majesty, and subject to the orders of his Excellency Count d'Estaing.

"Ordered, that the paper relative to the encouragement given by the Count d'Estaing to American armed vessels, whether public or private, be published."

CEREMONIAL OF ADMITTING THE FRENCH MINISTER TO CONGRESS.

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In Congress, July 20th, 1781.

Resolved, That the ceremonial for a Minister Plenipotentiary, or Envoy, shall be as follows;

When a Minister Plenipotentiary, or Envoy, shall arrive within any of the United States, he shall receive at all places where there are guards, sentries, or the like, such military honors as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at a place in which Congress shall be, he shall wait upon the President and deliver his credentials, or a copy thereof. Two members of Congress shall then be deputed to wait upon him, and inform him where and when he shall receive audience of Congress.

At the time he is to receive his audience, the two members shall again wait upon him in a coach belonging to the States, and the person first named of two, shall return with the Minister Plenipotentiary, or Envoy, in the coach, giving the Minister the right hand, and placing himself on the left, with the other member on the front seat.

When the Minister Plenipotentiary, or Envoy, is arrived at the door of the Congress Hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. Then the member first named shall present and announce him to the President and the House, whereupon he shall bow to the President and Congress, and they to him. He and the President shall then again bow to each other and be seated, after which the House shall sit down.

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Having spoken and being answered, the Minister and the President shall bow to each other, at which time the House shall bow, and then he shall be conducted home in the manner in which he was brought to the House.

Those who shall wait upon the Minister shall inform him, that if in any audience he shall choose to speak on matters of business, it will be necessary previously to deliver in writing to the President what he intends to say at the audience, and if he shall not incline thereto, it will, from the constitution of Congress, be impracticable for him to receive an immediate answer.

The style of address to Congress shall be, "Gentlemen of the Congress."

All speeches or communications in writing may, if the public Minister choose it, be in the language of their respective countries, and all replies or answers shall be in the language of the United States.

After the audience, the members of Congress shall be first visited by the Minister Plenipotentiary, or Envoy.

July 30th. Resolved, That Thursday next be assigned for giving audience to the honorable M. Gerard, Minister Plenipotentiary from his Most Christian Majesty.

August 5th. Resolved, That when the Minister is introduced to his chair by the two members, he shall sit down.

His Secretary shall then deliver to the President the letters of his Sovereign, which shall be read and translated by the Secretary of Congress. Then the Minister shall be announced. At which time the President, the House, and the Minister shall rise together. The Minister shall then bow to the President and the House, and they to him. The Minister and the President shall then bow to each other and be seated; after which the House shall sit down. The Minister shall deliver his speech standing, the President and the House shall set while the Minister is delivering his speech.

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The House shall rise, and the President shall deliver the answer standing. The Minister shall stand while the President delivers the answer.

Having spoken, and being answered, the Minister and the President shall bow to each other, at which time the House shall bow, and then the Minister shall be conducted home in the manner in which he was brought to the House.

Resolved, That the door of the Congress chamber be open during the audience to be given to the Minister Plenipotentiary of his Most Christian Majesty.

That the delegates of Pennsylvania be requested to inform the Vice President, the Supreme Executive Council, and the Speaker and Assembly of the said State, that the Minister Plenipotentiary of his Most Christian Majesty, the King of France, will receive his audience of Congress at twelve o'clock tomorrow, when the doors of the chamber will be opened.

That each member of Congress may give two tickets for the admittance of other persons to the audience, and that no other persons except those specified in the foregoing resolution, be admitted without such a ticket signed by the members appointed to introduce the Minister to the Congress.

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Thursday, August 6th. According to order the honorable M. Gerard was introduced to an audience by two members of Congress, and being seated, his Secretary delivered to the President a letter from his Most Christian Majesty, directed "To our very dear and great Friends and Allies, the President and Members of the General Congress of the United States," in the words following;

[See this letter above, p. [235](#), dated March 28th, 1778.]

The Minister was then announced to the House, whereupon he arose and addressed Congress in a speech which, when he had finished, his Secretary delivered in writing to the President, and is as follows;

Translation.

"Gentlemen,

"The connexions which the King, my master, has formed with the United States of America, are so agreeable to him, that he has been unwilling to delay sending me to reside near you to unite them more closely. His Majesty will be gratified to learn, that the sentiments which are manifested on this occasion justify the confidence, with which the zeal and the character of the deputies of the United States in France, the wisdom and the firmness which have directed your resolutions, together with the courage and the constancy which the people have displayed, have inspired him. You know, Gentlemen, that this confidence has laid the foundation of the truly friendly and disinterested plan, upon which his Majesty has treated with the United States.

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"It has not rested with him, that his engagements could not secure your independence and your tranquillity without the further effusion of blood, and without aggravating the miseries of mankind, of which it is his whole ambition to secure the happiness; but the hostile dispositions and resolutions of the common enemy having given a present force, positive, permanent, and indissoluble, to engagements wholly eventual, the King, my master, has thought that the two allies should occupy themselves only with the means of fulfilling them in the manner the most useful to the common cause, and of the most effect in obtaining peace, which is the object of the alliance. It is in conformity with this principle, that his Majesty has hastened to send you a powerful assistance. You owe it, Gentlemen, to his friendship, to the sincere interest which he takes in the welfare of the United States, and to the desire which he has of concurring effectually in securing your peace and your prosperity on honorable and firm foundations. He hopes, moreover, that the principles adopted by the governments will contribute to extend the connexions, which the mutual interest of the respective nations had already begun to form between them. The principal point of my instructions is to make the interests of France and those of the United States keep pace together. I flatter myself, that my past conduct in affairs which interest them, has already convinced you that I have no more earnest desire, than that of executing my instructions in such a manner as to deserve the confidence of Congress, the friendship of its members, and the esteem of all the citizens."

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To this speech the President returned the following answer;

"Sir,

"The treaties between his Most Christian Majesty and the United States of America so fully demonstrate his wisdom and magnanimity as to command the reverence of all nations. The virtuous citizens of America in particular can never

forget his beneficent attention to their violated rights, nor cease to acknowledge the hand of a gracious Providence in raising for them so powerful and illustrious a friend. It is the hope and the opinion of Congress, that the confidence his Majesty reposes in the firmness of these States will receive additional strength from every day's experience.

"This assembly are convinced, Sir, that had it rested solely with the Most Christian King, not only the independence of these States would have been universally acknowledged, but their tranquillity fully established; we lament that lust of domination, which gave birth to the present war and has prolonged and extended the miseries of mankind. We ardently wish to sheathe the sword, and spare the further effusion of blood; but we are determined, by every means in our power, to fulfil those eventual engagements, which have acquired positive and permanent force from the hostile designs and measures of the common enemy.

"Congress have reason to believe, that the assistance so wisely and generously sent will bring Great Britain to a sense of justice and moderation, promote the interests of France and America, and secure peace and tranquillity on the most firm and honorable foundation. Neither can it be doubted, that those who administer the powers of government, within the several States of this Union, will cement that connexion with the subjects of France, the beneficent effects of which have already been so sensibly felt.

"Sir, from the experience we have had of your exertions to promote the true interests of our country as well as your own, it is with the highest satisfaction Congress receive as the first Minister from his Most Christian Majesty, a gentleman, whose past conduct affords a happy presage that he will merit the confidence of this body, the friendship of its members, and the esteem of the citizens of America."

The Secretary of Congress delivered to the Minister a copy of the foregoing speech, dated "In Congress, August 6th, 1778," and signed "Henry Laurens, President." Whereupon the Minister withdrew, and was conducted home in the manner in which he was brought to the House.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, November 9th, 1778.

Sir,

The Minister Plenipotentiary of France has the honor to inform the Congress of the United States of North America, that he has obtained, on account of his Majesty, the cargo of two schooners; the one called the *Gentil*, George André, Captain, and the other the *Adventurer*, commanded by Captain Joseph Taffier, these two vessels being now in the port of Petersburg, Virginia, and their cargoes delivered, consisting of from twelve to thirteen hundred barrels of flour, and about fifty barrels of biscuit. The destination of these provisions, requiring that they should depart immediately, the undersigned Minister Plenipotentiary requests Congress to be pleased to take the measures which it shall judge necessary, in order, that the departure of these two vessels with their cargoes may meet with no obstacle. An express will wait for the orders, which it may be necessary to send into Virginia, in relation to this object.

GERARD.

Whereupon Congress ordered, that the President write to the Governor of Virginia, explain to him the nature of this transaction, and the necessity of the vessels' immediate departure, and desire him to give orders accordingly.

November 18th, 1778. Two letters from the Honorable the Minister Plenipotentiary of France were read, requesting a passage on board of one of the continental frigates, for the Chevalier de Raymond, Captain of the *Cæsar*, and that a vessel on board of which are a number of invalids, may be taken under convoy of the frigate until she be safe at sea. These were referred to the Marine Committee, with directions to comply with the request therein contained.

TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

The Minister of France thinks it his duty to have the honor of communicating to the President of Congress the reflection that, according to ordinary rules, treaties are not published until the respective ratifications have been exchanged, and that so far as he is informed, that of the King has not arrived. If Congress, however, has motives to proceed immediately to this publication, the Minister requests it not to be stopped by his reflection; the wisdom of their views deserving all preference over what can only be regarded as a mere formality.

GERARD.

Philadelphia, December 2d, 1778.

The President communicated to Congress the following unsigned note from the Minister of France.

"It is thought proper to inform persons, who have business in France, that all judicial and extra-judicial acts, powers of attorney, &c. which are destined to be sent thither, ought to be invested with the authorisation of the Minister Plenipotentiary, or the Consuls of this Crown established in the different States of America. By means of this formality, all the acts valid in America will have the same validity in France in all cases."

December 4th. The President communicated to Congress another unsigned note from the Minister of France, relative to a plan he had proposed for discharging the debt due to Roderique Hortalez & Co. namely, by furnishing the French fleet in America with provisions, for the amount of which the Court would procure the United States a credit with Hortalez & Co. The note was delivered in English, in the words following.

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"Leave is begged from the Honorable the President of Congress to submit to him some reflections upon a late conversation. The insinuation made was founded upon the consideration, that the method proposed would be more simple, more easy, and more convenient, than any other, and that besides, the troubles, the expenses, the dangers of the sea, and of the enemy, the spoiling of the cargoes, &c. would be avoided.

"The manner of executing this plan, if adopted, would be very simple, and attended with no inconveniency; the Court shall take upon itself to satisfy the furnisher of the articles in question, and Congress shall receive the discharge for ready money, in their accounts with the Court."

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, December 6th, 1778.

Sir,

The Minister Plenipotentiary of France, considering that it is of great importance for the interests of France and the United States of America to prevent, or to delay as much as possible, the repairs, and consequently the activity of the enemy's ships, and that one of the most efficacious means would be, to intercept the masts which they are obliged to bring from Halifax, is firmly persuaded, that this subject has not escaped the consideration of Congress, but believing that it is for the interest of the King, his master, that his Majesty should contribute to the measures which may effect this object, his intention is to offer a reward to the owners of privateers, who shall take or destroy vessels loaded with masts proper for ships of the line or for frigates. This encouragement seemed necessary, in order to turn the efforts of privateers in this direction, considering the low price of this commodity in proportion to other cargoes, but the said Minister did not wish to execute this plan without communicating it to Congress, and before knowing its opinion on this subject.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, December 7th, 1778.

Sir,

I have had the honor to make known to you the reasons of my perplexity, with regard to transmitting to my Court some ideas respecting certain persons strongly suspected of being emissaries of the Court of London, as well as concerning the doctrine of the liberty, which it is pretended the United States have preserved of treating with this power separately from their ally, so long as Great Britain has not declared war upon the King my master. I have expressed to you how far it is from my character to pay regard to public rumors and to the reports of any individuals, in a matter as important as it is delicate, and the desire which I feel that Congress would be pleased to furnish me with the means of placing my Court, and by its means, all the present and future friends of the United States in Europe, on their guard against the impressions which these ideas might produce. They appeared to me particularly dangerous in relation to England, where they would nourish the hope of sowing domestic divisions in the bosom of the United States, and of separating them from their ally, by annulling, also, the treaties concluded with him. It seems, in fact, that as long as this double hope shall continue, England will not think seriously of acknowledging your independence on the footing expressed in the treaty of Paris. Your zeal, Sir, for your country, and for the maintenance of the harmony so happily established, is too well known for me not to hope that you will be pleased to lay before Congress this subject, which my solicitude for whatever concerns the maintenance of the reputation of the alliance has caused me to regard as very important.

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I am persuaded, Sir, that you will at the same time have the goodness to inform Congress of the proof of firmness, and of attachment to the interests of the United States, to the common cause and to the alliance, which the King my master has given, in rejecting the overtures which the Court of London has made through Spain.

I have the honor to be, with sentiments of respect, &c.

GERARD.

To the memorial respecting masts, an answer was returned on the 16th. And in answer to the above letter Congress passed a resolution on the 14th of January, 1779, as follows;

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"Whereas it has been represented to this House by M. Gerard, Minister Plenipotentiary of France, that it is pretended that the United States have preserved the liberty of treating with Great Britain separately from their ally, as long as Great Britain shall not have declared war against the King, his master, therefore,

"Resolved unanimously, That as neither France nor these United States may of right, so these United States will not conclude either truce or peace with the common enemy without the formal consent of their ally first obtained, and that any matters or things which may be insinuated or asserted to the contrary thereof tend to the injury and dishonor of the said States."

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, December 14th, 1778.

Sir,

The Minister Plenipotentiary of France has the honor to remind Congress, that they were pleased to order in Virginia the purchase of eighteen thousand barrels of flour to complete the quantity of provisions destined for the fleet of his Most Christian Majesty, but the undersigned being informed of the scarcity of this article has confined himself to ten or twelve thousand. Information since received from Virginia causing him to fear that the flour of the current year has a disagreeable taste, and that, consequently, the aforesaid quantity cannot be furnished of a quality suitable for bearing the climate of the islands, the undersigned presumes that a part of it may be replaced by rice taken from South Carolina, where he is informed this article abounds.

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It is from these considerations that the undersigned Minister takes the liberty to request Congress to take the measures necessary in order that six thousand barrels of rice may be bought and exported from South Carolina, the said Minister being resolved to employ American citizens in these kinds of purchases, as he has promised, proposes to intrust this commission to Mr Gervais.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 4th, 1779.

Sir,

The Minister Plenipotentiary of France learns by M. Francy, that, from the offer which he made in relation to the payment by compensation of a part of the sums due from the United States to M. de Beaumarchais, consequences have been drawn, which are contrary to the intentions of the undersigned.

He finds himself obliged to prevent all mistakes by declaring in writing, as he always has done verbally, that all the supplies furnished by M. de Beaumarchais to the States, whether merchandise or cannons and military goods, were furnished in the way of commerce, and that the articles which came from the King's magazines and arsenals were sold to M. de Beaumarchais by the department of artillery, and that he has furnished his obligations for the price of these articles. He is, consequently, a debtor to the war department, whilst he is a creditor of the United States by the sale of these same articles, which had become his property. On the other side the King is a debtor to the United States.

It is this situation, namely, the difficulty which Congress finds in paying M. de Beaumarchais by return of merchandise, and the considerable saving which would result to Congress, that has determined the undersigned to offer a mutual compensation, and to pay the King's debts to the United States to the amount of the receipts of M. de Beaumarchais, which Congress will receive in ready money. This is the simple and natural operation, which the undersigned has offered, and which ought not at all to change the situation of M. de Beaumarchais with regard to Congress, since he is and continues to be a creditor in his own name, of the United States, and since the undersigned simply offers to pay to the discharge of Congress a certain sum, which the undersigned will determine in concert with M. de Francy, when Congress shall have passed a resolution on this offer.

The undersigned thinks that he owes these explanations to his respect for Congress, and he hopes that if there may remain any false ideas on this subject, Congress will be pleased to place him in a situation to supply all the information which may yet be desired.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 5th, 1779.

Sir,

The Minister Plenipotentiary of France cannot forbear to submit to the Congress of the United States, the passages underscored in the two gazettes annexed, under date of the 3d and 5th of this month. He has no doubt of the indignation of Congress at the indiscreet assertions contained in these passages, which equally bring into question the dignity and reputation of the King my master, and that of the United States. These assertions will become, in the hands of the enemies of the common cause, a weapon the more powerful and dangerous, as the author is an officer of Congress, and as he takes advantage of his situation to give credit to his opinions and to his affirmations.

The aforesaid Minister relies entirely on the wisdom of Congress to take measures suitable to the circumstance. It has not been owing to him, that the author has not himself repaired the injury which he has done, the Minister Plenipotentiary having hastened to convince him of the wrongs of which he was guilty, when the first of these gazettes appeared in public.

GERARD.

The passages referred to in the above were contained in a piece published in the Pennsylvania Packet, under the title, "Common Sense to the Public on Mr Deane's Affair," written by Thomas Paine, then Secretary to the Committee of Foreign Affairs; and are as follows;

"If Mr Deane, or any other gentleman, will procure an order from Congress to inspect an account in my office, or any of Mr Deane's friends in Congress will take the trouble of coming themselves, I will give him or them my attendance, and show them in a hand-writing, which Mr Deane is well acquainted with, that the supplies he so pompously plumes himself upon (namely, those which

were sent from France in the Amphitrite, Seine, and Mercury) were promised and engaged, and that *as a present*, before he even arrived in France, and that the part which fell to Mr Deane was only to see it done, and how he has performed that service, the public are now acquainted with." The last paragraph in the account, is "upon Mr Deane's arrival in France, the business went into his hands, and the aids were at length embarked in the Amphitrite, Mercury, and Seine." "I have been the more explicit on this subject, not so much on Mr Deane's account, as from a principle of public justice. It shows, in the first instance, that the greatness of the American cause drew at its first beginning the attention of Europe, and that the justness of it was such as appeared to merit support; and in the second instance, *that those who are now her allies prefaced that alliance by an early and generous friendship*; yet, that we might not attribute too much to human or auxiliary aid, so unfortunate were those supplies, that only one ship out of the three arrived; the Mercury and the Seine fell into the enemy's hands."

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, January 10th, 1779.

Sir,

I cannot forbear to present to Congress the striking observations occasioned by the delay, which the answer to my representation of the beginning of the past month meets with. Already the enemies of the common cause represent it as a proof of the diversity of the opinions which prevail in Congress, as if there could exist a contrariety of sentiments upon a subject so simple, and a matter so clear, that to call it in question would be at the same time to call in question the solidity, and even the existence of the alliance. Certainly, Sir, no one is farther than myself from adopting suspicions, which would be so fatal to the common cause; but I have had the honor to explain the motives, which should induce Congress to give to this subject a ready, formal, and explicit declaration. They know that erroneous opinions become more difficult to destroy when they have had time to take root in men's minds; it is then wished to remedy the evil, but it is found irremediable. The greater part of these reflections is applicable in an equal degree to the declaration, which I had the honor to make to Congress on the 5th of this month, and I wait impatiently for answers, which may quiet my Court against the efforts made by the enemies to draw from the facts in question, inferences injurious to the allies and the alliance, efforts of which Congress alone can avoid the dangers. My zeal and my respect do not allow me to conceal from them apprehensions, which seem to me but too well founded and worthy of all their attention.

I have the honor to be, &c.

GERARD.

On the 12th of January, Congress taking into consideration the publication in the Pennsylvania Packet of the 2d and 5th instant, under the title of "Common Sense to the Public on Mr Deane's Affair," of which Mr Thomas Paine, Secretary of the Committee of Foreign Affairs, has acknowledged himself to be the author, and also the memorials of the Minister Plenipotentiary of France, of the 5th and 10th instant, respecting the said publication; "Resolved, unanimously, that in answer to the memorials of the Plenipotentiary of his Most Christian Majesty, of the 5th and 10th instant, the President be directed to assure the said Minister, that Congress do fully, in the clearest and most explicit manner, disavow the publications referred to in his said memorials, and, as they are convinced by indisputable evidence, that the supplies shipped in the Amphitrite, Seine, and Mercury, were not a present, and that his Most Christian Majesty, the great and generous ally of these United States, did not preface his alliance with any supplies whatever sent to America, so they have not authorised the writer of the said publication to make any such assertions as are contained therein, but, on the contrary, do highly disapprove of the same."

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TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 14th, 1779.

Sir,

I have received the letter, with which you honored me on the 13th of this month, on sending me the resolution of Congress in answer to the representations, which I had the honor to make to it

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on the 5th and 10th.

I request you to receive, and to offer to Congress, all the sensibility with which I have seen the frank, noble, and explicit manner in which they have destroyed false and dangerous insinuations, which might deceive the misinformed people, and give arms to the enemies of the common cause.

The King, my master, Sir, does not need these proofs, in order to place his confidence in the disposition of firmness and constancy, which is exhibited by Congress in the principles of the alliance; but his Majesty will always see with pleasure the measures that Congress shall take to maintain its reputation inviolate, and it is from this same consideration, that I flatter myself he will have found my representation of the 7th of December last, equally worthy of his attention.

I am, with respect and esteem, &c.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 15th, 1779.

Sir,

With all my eagerness for whatever can be agreeable to Congress, I have made use of their resolution relative to M. Duportail, and the officers who accompany him. They feel much honored by the praises, which their services and conduct have merited, as well as by the confidence which Congress shows in them, by desiring them to pass another campaign in the service of the United States. Their letter, a copy of which is annexed, expresses their resolution to accept this invitation, and moreover contains proofs of an unlimited confidence in the justice and goodness of Congress. 265

I do not doubt, Sir, that these sentiments will increase the degree of esteem and good will, which they already deserve on account of their distinguished services. This affair being thus settled, I shall lose no time in asking of the King the consent, which the officers of engineers need. My knowledge of the dispositions of the King and his Ministry, in relation to whatever may be useful to the United States, does not allow me to doubt, that my conduct, and the attachment of these officers to the American service, will be approved.

I am, with respectful esteem, &c.

GERARD.

MESSRS DUPORTAIL, LA RADIÈRE, AND LAUMOY TO M. GERARD.

Translation.

Philadelphia, January 15th, 1779.

Sir,

We have been penetrated with gratitude on seeing in the resolution of Congress, annexed to your Excellency's letter, proofs of esteem with which we are honored by our illustrious General, and which gives occasion to the proposition which is made to us, of continuing in the service of the United States through the next campaign. We willingly consent to it, since your Excellency thinks, that we shall thereby fulfil the intentions of the Court, and since you are so kind as to take upon yourself the trouble of asking from it the necessary permission. Relying also on the justice of Congress for the favors which we may merit from longer services, we affix no conditions to the continuance of our residence in America. But we deem it our duty to state, that being determined to remain here by our desire of serving, and of being useful to the United States, if the means of usefulness should disappear on any account whatsoever, we shall be desirous of preserving the liberty of returning into our country. Sensible of the interest which your Excellency is so kind as to take in this affair, we beg you to accept our most humble thanks. 266

We are, respectfully, your Excellency's most obedient humble servants,

DUPORTAIL,
LA RADIÈRE,
LAUMOY.

P. S. M. de Goudion has said, that he would agree to whatever we should do.

January 21st. A Memorial from M. Gerard, Minister Plenipotentiary of France, and Consul-General, was read, enclosing a commission of Consul in the port of Boston, and other ports in Massachusetts Bay, to the Sieur Valnais. The commission was referred to the Marine Committee, and they were instructed to register it and to return the original to M. Valnais, and to take measures for making him known to all whom it may concern, as Consul of France in the State of Massachusetts.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, February 3d, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to represent to the Congress of the United States, that it is of infinite importance to the safety of the King's squadron, stationed in the Gulf of Mexico, to determine the supply of provisions on which it may rely. And several vessels being ready to sail for Martinique, the wisdom of Congress will show to that body the necessity of informing the commander of this squadron of it without delay.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, February 8th, 1779.

Sir,

The Minister Plenipotentiary of France, being ordered to communicate to Congress subjects of the highest importance, has the honor to inform the President of it, and requests him to inform him, whether he wishes him to execute his orders through him, or if he prefers that he should communicate them to Congress in an audience.

GERARD.

"Ordered, that the President acquaint M. Gerard, Minister Plenipotentiary of France, that Congress will admit him to a private audience, when he shall present himself, to make the communication he is instructed to make to Congress."

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, February 9th, 1779.

Sir,

By instructions addressed to the undersigned on the 29th of October last, he is ordered to transmit to Congress the answer of the King to certain communications made to his Majesty by the Commissioners of the United States.

1st. These Commissioners having desired his Majesty to continue the subsidy which he had granted them, he gave them to understand, that his affairs did not permit him to make this engagement, since the war which he is carrying on against England, and the general situation of Europe, require expenses which absorb all his resources, yet in consequence of the representations made by the deputies, of the difficulty which they found in honoring the bills of exchange which Congress had drawn upon them, for the interest due upon money which had been borrowed, his Majesty has been pleased to grant a sum of seven hundred and fifty thousand livres, as a new proof of his friendship for the United States.

2dly. The same Commissioners made known to the King, that Congress had reason to presume, that a part of the articles furnished to the United States, was a present on the part of his Majesty. The undersigned is authorised to declare, that this intention never existed, that it was an affair

entirely commercial, in which the Ministry had no other part, than that of permitting M. de Beaumarchais to take from the magazines and arsenals of the King, on condition of replacing them, the articles with which commerce could not supply him, that consequently the Ministry had no other power in this affair, than that of preventing Congress from being pressed too soon for payment for the articles taken from the magazines and arsenals of the King. As to the contract made with Roderique Hortalez & Co, the Ministry has declared to the American deputies, who asked their advice, upon the ratification or rejection of this contract, that they did not know the house of Roderique Hortalez & Co. and that they could not answer for it, nor express an opinion as to its stability and fidelity in the performance of its engagements.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, February 9th, 1779.

Sir,

The undersigned, Minister Plenipotentiary of France, has received a formal order from the King, his master, to make known to Congress, that the King of Spain, in order to put an end to the tergiversations of England, has determined upon a decisive and peremptory proceeding. His Catholic Majesty has, consequently, made to the King of England a final offer of his mediation; but with the declaration that it was the last, and that if it was as fruitless as those which preceded, it would only remain to him to perform the duties, which his alliance with the King imposes upon him.

The King of Spain, by taking this proceeding upon himself in a friendly manner, has shown a disposition most favorable to the alliance. The King, my master, on his side, persists in the invariable resolution not to separate his interests from those of America, and to support the cause of the United States, as if it were his own personal cause.

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His Majesty thinks, while fulfilling the duties of the alliance by this confidential communication, that he ought to invite and urge Congress to furnish immediately with the necessary powers and instructions the person or persons whom they shall think proper to authorise to assist in the deliberations, and in the conclusion and signing of the treaty. His Majesty trusts that Congress will perceive the inestimable value of time in a juncture so critical and so important; and that the injuries caused by any delay would be irreparable both to the alliance and the allies. In complying with the invitations of the King, the United States would regard equally their dignity and their interests. The place of the negotiation is fixed at Madrid.

His Majesty, while engaging in everything that can hasten the happy moment in which America can enjoy, peaceably, internal and external prosperity, which is the object of the revolution and the limit of his Majesty's wishes, has instructed the undersigned to suggest to Congress, that at a time in which they are employed in fixing their political existence, it seems to belong to their foresight to consider the sentiments of the States as to the peace in relation to Spain, and they will perhaps think, that the means of preventing all future discontents merits their attention, and ought to be one of the subjects of the positive and definite instructions, which the States will give for the conclusion of the peace.

GERARD.

February 13th. The President was directed to inform the Minister, that Congress will take the subject of his memorials of the 9th into immediate consideration, and that if he wishes to communicate anything farther to them, Congress will receive the same from him in a private audience. And it was at the same time resolved, that all private audiences given to foreign Ministers be held in a committee of the whole.

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February 15th. The President acquainted the House, that pursuant to their order, he had informed the Minister of France, that Congress will take his memorials of the 9th into immediate consideration, and that if he wishes to communicate anything farther to them, Congress will receive the same in a private audience; that the Minister wished to make further communications to Congress, and would attend the House at twelve o'clock this day.

The Minister, agreeably to his appointment, was introduced, and had a free conference with Congress, in which he represented the present state of affairs in Europe, the dispositions of the Spanish Court, and the measures it was about to take in order to restore peace; from thence he took occasion to press upon Congress the necessity of having a Minister in Europe properly empowered and instructed. He further signified, that it was the desire of his Most Christian Majesty, that the United States would speedily put themselves in a condition to take that part in the negotiation for peace apparently about to take place, which their dignity and interest required; and that they should lay a solid foundation for obtaining a speedy peace agreeably to

the terms of the treaty, by giving their Plenipotentiary the most ample instructions and full powers. This he enforced by sundry arguments, and pressed the utmost despatch.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, March 14th, 1779.

Sir,

The Minister Plenipotentiary of France, undersigned, does not doubt that the committee, charged on the part of Congress to persuade the undersigned to keep the rate of exchange at nine hundred per cent, in order to stop the farther depreciation which circumstances threatened, has reported the answer which the said Minister gave on this subject; but as the undersigned is still ignorant of the manner in which Congress has received this answer, he is the more desirous of being informed of it, as he must give an account to his Court of the success of the course which he has adopted, and as the agent of the royal navy has, till this time, confined himself to the rule proposed on the part of Congress, without any return to the interests of his Majesty.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 16th, 1779.

Sir,

The Minister Plenipotentiary of France, being about to send M. de Maulcon to New York to effect the exchange of the French prisoners, who are detained there, takes the liberty to request the Congress of the United States of America to have the goodness to allow them the same facilities as heretofore, by charging their Commissioners to receive them on their landing at Elizabethtown and New London, and from thence as far as Philadelphia or Boston, and to give them, at the expense of his Most Christian Majesty, the same treatment which American prisoners receive.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 17th, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to remind the Congress of the United States of North America, that in executing for five months the instructions with which he has been charged by the King, his master, in relation to the present state of affairs, the undersigned has expressed his Majesty's desire, that the United States should quickly put themselves in a situation to take, in the negotiation for peace which seems on the point of taking place, the part which their dignity and their interests require, and that they should lay firm foundations for obtaining a speedy pacification conformable to the terms of the alliance, by giving to their Plenipotentiary instructions the most ample, and powers the most extensive. It is, in fact, impossible to be too economical of time, when a correspondence is carried on at so great a distance, upon a business so important and so liable to be changed by many incidents impossible to be foreseen. These observations have still greater force, when the opening of the campaign is approaching, and when the greatest celerity alone can anticipate the moment of it. Every day's delay increases the obstacles to the success of the advantageous plans, which the King has communicated to the United States. To prolong the deliberation upon peace may be to reject it. His Majesty, who thinks that he has deserved the confidence of the United States, believes, moreover, that he has a right, after the assurances which Congress have so often repeated with regard to the uniformity of sentiments on the subject of his alliance with the United States, to hope that this subject will be treated with the promptness which the juncture requires.

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The indulgence with which Congress has received the reflections of the undersigned authorises

him to submit these to their wisdom and prudence. He adds, that there may be reason to fear that longer delays may give rise to suspicions, and authorise the assertions which have been made in Europe, respecting a division of opinions and sentiments prevailing in Congress, and strengthen the hope which the enemy continues to entertain of fomenting this domestic discord, and at the same time of exciting distrust between the allies by pretending to treat with each of the States singly, in order to take them separately in the snare of their credulity, and to deprive them of the mutual support which they derive from their union. It is, moreover, well known, that the preliminary condition of the Court of London to the United States would be to renounce the alliance formed with France, to form an offensive coalition, and to restrain the commerce of America. The undersigned is very far from believing, that the wisdom and rectitude of Congress do not protect them from the effects of this insidious policy; but their glory and interests seem to require, that they should prevent the farther establishment of an opinion, which, more than anything else, will contribute to support the false expectation and the obstinacy of the common enemy.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 31st, 1779.

Sir,

I have the honor to inform you, that the season proper for my departure for France is coming on, and I take the liberty to request you to persuade Congress to hasten the time of it as much as possible. Even if my health did not require this voyage, circumstances would have induced me to undertake it, because I perceive how important it is for the common cause, that in the present situation of affairs, those men alone, who are informed of the actual state of things and opinions in America, and who enjoy an unlimited confidence, should be employed in this negotiation.

Besides, Sir, as I must presume from the wisdom of Congress, that they have made the same reflections, that they have fixed, or will fix the choice of their Minister or Ministers Plenipotentiary, in consequence of what they must also have felt, that the only way of proceeding is to choose persons, who should enjoy the fullest confidence of the allied or friendly Courts, and to furnish them with the fullest and most extensive powers. In this case it will, in my opinion, be proper that I should depart with one or more of your Ministers, and it is an additional motive for urging this whole arrangement, with which your own interest inspires me, by increasing my eagerness to go where I shall think myself happy to announce, that union and unanimity prevail in America.

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Moreover, Sir, I request you to inform me in what manner Congress will judge proper that I should take my leave, with regard to the secrecy, which I endeavor to keep as to my speedy departure. I also flatter myself, that if they shall think proper to give me any commission, they will rely upon my carrying into France the same zeal for the interests of the United States and of the common cause, of which I have sought to give proofs during my residence in America.

I have the honor to be, with respect and esteem, Sir, your most obedient humble servant,

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Mount Pleasant, April 6th, 1779.

Sir,

I have the honor of sending you the abstract of news, which I have just received from Martinique. It is not very interesting, but it will at least make known the present state of things. I send at the same time a paper relative to a financial operation, which has been performed in France. I request you to send it back to me again, and to accept the sentiments of respect with which I have the honor to be, Sir, &c.

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GERARD.

Abstract of several Letters, dated Martinique, February 25th.

"The King's vessels, Robuste of seventyfour guns, commanded by the Count de Grasse, commander of the squadron; Magnifique of seventyfour, by M. de Branche; Dauphin Royal of seventy, by M. de Mitton; and Vengeur of sixtyfour, by M. de Retz, having sailed from Brest the 14th of January, arrived at Fort Royal the 20th of this month. They had on board the second field regiment, eight hundred and fifty recruits, and a company of miners."

March 6th. "We learn that Admiral Byron has on his part also received a reinforcement, but we do not know the force of it. He has not yet undertaken any operation. He has only twice sailed out with some ships, but he returned the day after. It is true, that he has not troops enough to make conquests and to preserve them. Sickness continues to make great ravages among those that are at St Lucia."

March 9th. "The convoy from France, so much wished for, has just arrived, attended by many vessels."

"The islands of St Martin and St Bartholomew, which the English had taken from us, have just been retaken without much exertion by three of our frigates, and an end put to the triumph, which our enemies had reaped from this easy conquest."

"M. de Kersin, the lieutenant of the ship, took two prizes last week; one a merchant store-ship called Eliza, armed with twentyeight twelve pounders. Her crew consisted of one hundred and forty men, and her cargo of provisions and sails, to the value of twentyfive thousand livres. The store-ship was sheathed with copper. The other is a privateer of eighteen guns, and with a crew of seventysix men. Some American privateers have sent here two prizes coming from Halifax, loaded with fish and boards. The Minerva has also carried to Cape François another English frigate of twentyfour guns. The ability of the captain saved her from the danger of being taken by a ship of war and three frigates, by which she had been surprised in a calm."

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Baltimore, April 2d. "The captain of a sloop, which has arrived in twentytwo days from Martinique, reports that sickness had made dreadful ravages in the English army and fleet at St Lucia, that the two squadrons are supposed to be nearly equal in force, that the French frigates, are constantly at sea, often engaging with the English, that one of the former has taken the frigate Liverpool of twentysix guns, that in other respects, the situation of the French is entirely satisfactory to them, and that they appear to be unconcerned with regard to the success of the operations, which Admiral Byron intends to undertake."

Martinique, March 14th. "We learn from France, that news has been received by Portuguese vessels returned from India, that the English commenced hostilities against the French in the month of April. A ship of war and a frigate attacked at that time the Brilliant, of seventyfour guns, commanded by M. de Tronjoly, who repelled the attack. We learn also, that they are making great exertions for the repair and arming of a force of fortyfive privateers, which the royal navy has taken from the English, and that the greater part of these vessels will in a short time be ready to sail."

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TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, April 24th, 1779.

Sir,

Although the undersigned is not invested with any power on the part of his Catholic Majesty, he hopes that the Congress of the United States of North America, knowing the closeness of the union subsisting between his Catholic and his Most Christian Majesty, will not be surprised if the Minister of France has the honor to submit to them the representations, which two captains of Spanish vessels have made to Don Juan de Mirales. The facts on which these representations rest are contained in the annexed memorial, being taken from the letters of the captains. In a short time, the proceedings, and the act of appeal relating to one of the Spanish ships, whose cargo has been confiscated, will be laid before Congress, as well as the papers relating to the second ship, if this suffers the same fate; in order to implore the justice of Congress. Meanwhile it has been thought proper to communicate the facts to Congress, in order that they may be pleased previously to examine this affair, on which we are persuaded that they will be pleased to bestow the greater attention, as it involves the observance of a law generally adopted by commercial nations, for the maintenance of the public security upon the sea, as well as of the right of neutrality, which affects the interests of the United States, as much and more than those of any other nation, and in order not to give just cause of discontent to a power like Spain, by violating the immunity and dignity of her flag, and by depriving her subjects of their property without cause or pretext.

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GERARD.

Memorial respecting two Spanish Vessels.

Translation.

Memorial or relation of the injury sustained by two Captains of Spanish merchantmen, which had sailed, the one from the river of London, loaded with merchandise for Cadiz, on the account and at the risk of Spanish merchants; and the other from the port of Cadiz, loaded with wines, fruits, cochineal, and other articles, of the growth of the Spanish territory, belonging also to Spaniards, bound for London. These two vessels were stopped by two different privateers, carrying the flag of the United States of America, and brought the one to Newbury and the other to Beverly, and then on the demand of the owners of the privateer, the cargo of one of them was declared a lawful prize at Boston, the 28th of last March. They were on the point of passing sentence on the other at the same place, and not doubting that it will suffer the same fate as the first, according to the letters written by the said Captains from the said port of Boston to Don Juan de Miralles, one of which is without date, and the other bearing date of the 3d of this month, he has the honor to impart their contents to his Excellency M. Gerard, Minister Plenipotentiary of the Court of France to the United States of America, requesting him to have the goodness to lay the information before the honorable Congress of the said States, in order to obtain all the satisfaction due to the honor of the flag of his Catholic Majesty, his master, in conformity to the tenor of Articles 14th, 15th, 25th, and 26th, of the treaty of alliance and commerce, between his Most Christian Majesty and the said States of America, signed the 6th of February, 1778. He asks also for the punishment of the infringers of the treaty, or captors, and requests that the Judges may be punished, who have unjustly condemned and sentenced as a lawful prize the said cargo; and provided that the other vessel has met with the same fate, to sentence them to the payment of all the indemnities, expenses, damages, and losses, resulting from the injury sustained by the said vessels, and the interruption of their voyages, besides the injury which this occasions to the proprietors of the same; and this, seeing that at the time in which they were stopped, his Majesty the King of Spain was at peace with all the powers of Europe, and consequently had no enemy to fear; whereas it is possible that since that time, the state of peace between the Court of Spain and other powers may have changed, or will change, before the said Spanish vessels can perform the voyages for which they were designed; and also the decay of the vessels and of the merchandise with which they were loaded, and the great risk offered by a voyage from this continent to any European port, &c. &c. *to wit*;

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Captain Joseph Llanos, by his letter without date, (although there can be no doubt that it comes from Boston) says, that he sailed from London with his vessel, (without mentioning its name) belonging to Don Philip Aguixxe de San Fadder, loaded with merchandise for Cadiz, amounting to nearly two hundred thousand current piastres, and that in the course of his voyage he was stopped by a privateer schooner of Newbury, called the Success, Felix Trask Captain, belonging to Nathaniel Tracy of said Newbury, and forcibly brought to this place, notwithstanding, that he assured the said Captain Tracy, that the cargo belonged entirely to Spaniards, and that he was convinced of it by the bills of lading found on board, notwithstanding which, that the said cargo has been sentenced as a lawful prize, although the papers exhibit no fraud; as will be seen by the process, which is copied in order to be presented to the honorable Congress, to which appeal is made.

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The Captains claim the protection of the honorable Congress, that of his Excellency M. Gerard, and that of Don Juan de Miralles; the navigation of the Spanish being very much injured by the privateers of this continent, there being three vessels belonging to this nation in the same situation as the above, brought in by different privateers. These three vessels also propose to appeal to the honorable Congress, and are resolved to defend the rights of the Spanish.

Captain Joachin Garcia de Luca, commander of a Spanish ship with three masts, her crew Spanish, says, in his letter dated at Boston, the 3d of the present month, that he sailed from Cadiz for London, loaded with wines, oils, cochineal, and fruits, on the account and at the risk of Spaniards, and that he was stopped, on the 21st of December, 1778, when pursuing his voyage, by a privateer frigate, with the flag of the United States of America, which brought him to Beverly; that having learned that the owners of the said privateer were desirous, that the cargo of the Spanish vessel should be confiscated, he went to Boston, where the court of justice sits, before which he appeared on the 2d of the current month, not knowing at that time, but he should meet with the same fate, which his friend Don Joseph de Llanos has suffered with regard to his cargo, which was condemned on the 28th of last March.

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I, Don Juan de Miralles, truly certify, that the above was extracted from the letters which the Spanish Captains, Don Joseph de Llanos and Joachin Garcia de Luca, wrote to me, and which I received on the 19th current, at eight o'clock in the evening.

DON JUAN DE MIRALLES.

Philadelphia, April 21, 1778.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 3d, 1779.

Sir,

The Minister Plenipotentiary of France has learnt, by despatches from his Court under date of the 25th of December, that the negotiation, which has been the subject of the overtures which the said Minister has had the honor to make to the Congress of the United States of North America for nearly three months, continues, and that his said Court earnestly desires, that Congress would be pleased to take prompt measures to take part in the said negotiation, as soon as circumstances shall have brought it to its proper state of advancement, which may happen at any moment.

GERARD.

TO THE PRESIDENT OF CONGRESS.

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Translation.

May 4th, 1779.

"The Minister of France delivered to the President a letter from the King of France, with the following note."

The custom in Holland, for sending to the States-General the letters by which the King notifies them of marriages or births, is to give them to the President of the week, who then goes to the house of the Ambassador, or Minister of the King, to compliment him in the name of the States-General, upon the event which forms the subject of the letters of notification.

GERARD.

FROM THE KING OF FRANCE TO CONGRESS.

Translation.

Very dear, and great Friends and Allies,

We do not delay informing you of the birth of the Princess, to whom the Queen, our very dear consort, has just happily given birth. Our confidence in your friendship does not permit us to doubt your interest in this event, nor your participation in the satisfaction which we derive from this first fruit of the divine blessing on our marriage.

The interest that we take in the prosperity of your Republic is our warrant for the pleasure, which we have in repeating to you the assurances of our esteem, and of our constant affection. Moreover, we pray God, that he may keep you, very dear and great friends and allies, under his holy and worthy protection.

LOUIS.

Written at Versailles, December 19th, 1778.

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"This letter being read, the President, with a committee consisting of one member from each State, was immediately to wait upon the Minister, and in the name of the United States to congratulate him upon the birth of the Princess. A committee was also appointed to prepare the draft of an answer to his Majesty's letter."

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 6th, 1779.

Sir,

The anxiety of the undersigned, Minister Plenipotentiary of France, for the maintenance of the

most perfect harmony, and the care which he has been in the habit of taking from the commencement of the alliance to establish such a confidence, as can alone maintain it and conduce to its prosperity, do not allow him to conceal from the Congress of the United States the perplexity under which he labors, with regard to informing his Court of the delays which the negotiation, commenced in the month of February last, meets with. It must be allowed, that no affair so important and so pressing ever experienced so much delay, and the undersigned declares, that he can see no reason for warning France and Spain against the sinister interpretations, with which attempts are made to inspire them in regard to this conduct. The zeal and the good will of the petitioner do not suggest to him any other expedient, than that of requesting Congress to approve of his having the honor of imparting to them, as he now does, his perplexity and embarrassment.

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He adds, that the Court of France has received intelligences, that England was resolved to send a considerable reinforcement of troops to the continent of North America, and to carry on the war there with all possible vigor, in order to proceed to the conquest of America at the same time by force and by intrigue. The King, in consequence of his attention to whatever may concern the security and the happiness of his allies, has ordered his Minister Plenipotentiary to communicate this intelligence to the Congress of the United States. The undersigned has the honor to perform this commission by the present note. He believes that he should add, that his Majesty, adhering scrupulously to the spirit and principles of the alliance, which has the independence of the United States as an essential object, is always resolved to assist America by all the means, that the resources of his kingdom, and the general state of affairs, will permit him successively to devote to this grand object, without being turned from it by the idea of any conquest for himself.

It is in consequence of these same dispositions and of this same disinterestedness, that his Majesty, although he has made no engagement to furnish supplies of money to the United States, and although the active and direct war which he is carrying on against the common enemy absorbs his resources, and ought to exempt him from all accessory and entirely voluntary expenses, is desirous to contribute to the re-establishment of the American finances, so far as his own necessities allow him to do so. He has thought that he should partly fulfil this object, by securing the payment of the interest on the loans, which have been stipulated to be paid in France, presuming that the credit of one of the public funds of the States would effectually contribute to the support of the others, and to the success of the measures, which the wisdom of Congress may adopt on this subject. A society of bankers, established under the authority of the King, has consequently taken upon itself to make the necessary advances, in the form of a loan made to America. The undersigned has not yet received the exact details of this arrangement, but he will have the honor of communicating them, so soon as he shall receive them.

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The confidence which the King places in the reciprocal attachment of the United States of America to the alliance, can alone induce him to determine upon proceedings, which are useful only to America, burdensome to France, and destitute of all advantage for her. His Majesty hopes to receive reciprocal proofs of these sentiments and feelings, but he neither demands nor expects anything for himself on the part of Congress. He only desires, that the States should employ all the resources at their disposal, in order to provide for their own security and tranquillity.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 9th, 1779.

Sir,

The Minister Plenipotentiary of France, having thought it his duty to take upon himself to inform the Count d'Estaing of the desire, which Congress had expressed to him, that the King's squadron should come to the assistance of Georgia, this Vice-Admiral has just replied, that the superiority of the enemy in the Islands had not till this time, permitted him to leave those latitudes; but that in consequence of the intentions of his Majesty, which are, to grant to the United States, his allies, all the assistance compatible with the security of his own possessions, and with the general position of affairs, he proposes to sail immediately to the Southern coasts of the States, and to exert himself for the deliverance of Georgia, and the preservation of the Carolinas. From thence the King's squadron will sail to the mouth of the Delaware, and its further operations will depend upon the agreement that shall be made between Congress and the commander of his Majesty's forces, and will be calculated for the greatest advantage of the United States.

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The undersigned has no doubt, that this new proof of his Majesty's generous and disinterested friendship strengthens the confidence, with which these engagements and his conduct must have inspired the governments and people of America. Facts so evident will serve, on the other hand, to confound those ill-disposed men, who, by silent and clandestine insinuations, destitute of all proof, and of all probability, directed solely by private views, and evidently opposed to the honor and interest of the confederated Republic, seek to sow distrusts and jealousies, of which the

common enemy alone can reap the advantage.

The undersigned must add to the details above given, that it is impossible for the Count d'Estaing to carry provisions from Martinique sufficient for the campaign, which he proposes to make in the seas of North America. He hopes that Congress will be pleased to give the most precise and effectual orders for their being got in readiness and placed on the coast, so that the squadron may easily take them on board. The undersigned Minister, hopes that Congress will be pleased to inform him successively of what shall be done on this subject, since the said Minister must be personally responsible for these measures, the failure of which would expose to the greatest misfortunes the forces, which the King has destined to bring direct and immediate assistance to the United States, although his engagements, which he will always scrupulously fulfil, do not impose this duty on him.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 9th, 1779.

Sir,

When the Congress of the United States did me the honor to ask my concurrence in inducing the Count d'Estaing to assist Georgia, I asserted, that this Vice-Admiral, in conformity with the intentions of the King, would do all that circumstances should permit. I proposed at the same time the means of proceeding to the execution of this plan; but Congress observed an entire silence, and did not deign to inform me of their resolution. It was only through a public channel, that I learned that the plan was abandoned; but my zeal having led me to write previously to the Count d'Estaing, and having received the answer of this Vice-Admiral, I do not think, Sir, that the interest of the alliance and of the United States allows me to act according to the presumed negative resolution of Congress, and I request you consequently to submit to that body the annexed Memorial.^[25]

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I have the honor to be, with the highest esteem, Sir, your humble and most obedient servant.

GERARD.

FOOTNOTE:

[25] This Memorial is missing.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 19th, 1789.

Sir,

I take the liberty of addressing to you a note of Don Juan de Miralles, concerning the Spanish ships carried into New England, and beg you to lay it before Congress, and to represent to them, that there is reason to fear, if the appeal which the council of Boston has reserved to itself should be decided before any measures be taken by Congress, the ships and merchandise will be sold, to the irreparable loss of the Spaniards.

I have the honor to be, with sentiments of the greatest respect, Sir, your most obedient humble servant.

GERARD.

MEMORIAL.

Translation.

Don Juan de Miralles, who, under date of the 21st of April last, had the honor to present a Memorial to his Excellency M. Gerard, Minister Plenipotentiary of the Court of France to the United States of America, to inform him of the proceedings of different privateers, with the flag of the said United States, against three vessels lawfully provided with the Spanish flag, which had sailed, one of them from London for Cadiz, and the two others from Cadiz for England, loaded with merchandise belonging, as well as the said vessels, to subjects of his Catholic Majesty, his master, which have been carried into different ports of New England, under the jurisdiction of the Province of Massachusetts, and that the respective indictments have been drawn against them before the Court of Admiralty of the city of Boston, where the cargo of one of the said vessels which sailed from London has been condemned, to the profit of the owners and crew of the privateer which captured her; another of the said vessels, which sailed from Cadiz, has also been condemned, and there is no doubt that the third has suffered or will suffer the same fate.

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Don Joseph de Llanos, Captain of the vessel which sailed from London, and Don Joachin Garcia de Luca, of the other which sailed from Cadiz, which, as has been said, have been condemned, have sent me an express, with copies of the said proceedings, which I have had the honor, in concurrence with the said M. Gerard, and in his presence, to deliver to his Excellency the President of the Honorable Congress, who was so kind as to receive them, and to offer to lay them before the Honorable Congress, in order that it may take into consideration an affair of so great consequence, and be pleased to order what is just, as well as it regards the interest of the proprietors of the vessels and cargoes, as the honor due to every neutral flag, and particularly to that of his Catholic Majesty.

Having learnt, that considering that the said court of Boston has not agreed to grant to the said condemned Captains the appeal, which they have made from their sentences to the said Honorable Congress, and which has only been referred to the Supreme Court of the said Province of Massachusetts, they are to judge the said indictment definitively, in the last resort, and that there is no doubt that the first sentences pronounced by the Court of Admiralty of Boston will be confirmed; the said Don Juan de Miralles earnestly requests his Excellency, the said M. Gerard, that he would be pleased to interpose his influence and his mediation with the said Honorable Congress, in order that it may have the goodness to pass a resolution ordering the said Supreme Court of Massachusetts, and every other tribunal, to suspend every proceeding and determination with regard to the aforesaid three Spanish vessels and their cargoes, until the said Honorable Congress shall have decided definitively on this affair, and that this may be done soon, so that the order, which it may be pleased to give, may arrive at Boston before the said 5th of June next, which is the time at which the said causes are to be judged definitively and in the last resort.

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JUAN DE MIRALLES.

Philadelphia, May 18, 1779.

The foregoing letter from the Minister of France, together with that of Don Juan de Miralles, was referred to Mr Burke, Mr Duane, and Mr Lovell, who on the 22d delivered in a report, and thereupon Congress passed the following resolution.

Resolved, That the resolutions of Congress passed the 6th day of March last, relative to the control of Congress, by appeal in the last resort, over all jurisdictions for deciding the legality of captures on the high seas, be immediately transmitted to the several States, and that they be respectively requested to take effectual measures for conforming therewith.

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Resolved, That the following letter be written to the Minister Plenipotentiary of France, and signed by the President.

"Sir,

"Congress having taken into consideration your letter of the 19th of this month, I am directed to assure you, that as soon as the matter shall in due course come before them, they will attend very particularly to the cases of the vessels, stated in the note from Don Juan de Miralles, to have been sailing under the flag of his Catholic Majesty, and captured by armed vessels under the flag of the United States, and that they will cause the law of nations to be most strictly observed; that if it shall be found after due trial, that the owners of the captured vessels have suffered damage from the misapprehension or violation of *the rights of war* and *neutrality*, Congress will cause reparation to be made, in such a manner as to do ample justice, and vindicate the honor of the Spanish flag. That Congress have every possible disposition to cultivate the most perfect harmony with his Catholic Majesty, and to encourage the most liberal and friendly intercourse between his subjects and the citizens of these United States.

"But they cannot consistently with the powers intrusted to them, and the rights of the States and of individuals, in any case suspend or interrupt the ordinary course of justice."

TO THE PRESIDENT OF CONGRESS,

Translation.

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Philadelphia, May 22d, 1779.

Sir,

The Minister Plenipotentiary of France, not having been hitherto informed by Congress of the result of their deliberations upon the important overtures, which have formed for more than three months the constant subject of his representations, has reason to presume, that the resolutions relative to them have not yet been passed. Delays, so long and so unnatural, in a matter so clear, and in a juncture which requires so much celerity, and which so essentially concerns the United States, have rendered the undersigned apprehensive lest some doubt had arisen, either as to the main point of the matter, or as to the manner of proceeding, or as to the dispositions and views of the King; and as the said Minister is instructed to conceal from Congress nothing that can be useful to the interests of the United States, he asks permission to submit to them the summary of the most essential things, which seemed to him to deserve attention in the further course of its deliberations.

It is well known, that the direct and essential object of the alliance, which subsists between his Most Christian Majesty and the United States, is to *maintain effectually the liberty, the sovereignty, and the independence, absolute and unlimited, of the said States, as well with respect to government as to commerce*, and consequently, the territorial rights belonging to sovereignty. To this object all the efforts and proceedings of the King are constantly tending. It is in order to attain it, and to procure for the people of America the power of this valuable independence, and the cessation of the evils and dangers under which an active and obstinate war makes them groan, that his Majesty has undertaken a difficult and expensive war against England, without any view of personal interest, and even with the refusal of the advantages which the United States appeared ready to grant him. He has already given brilliant proofs, that his friendship does not confine itself to the mere fulfilment of his engagements. He is in fact disposed to give to the United States all the assistance compatible with the situation of his own affairs, and with the general state of things, and he regards the interests of the United States as his own, in everything that relates to the object of the alliance, and that is conformable to the invariable principles on which his reciprocal connexions with the United States are founded. It is in consequence of his attention to execute literally the treaty of alliance, that he has not lost a moment in informing Congress of the overtures relative to the projected pacification, in entreating them to take without delay that part in this negotiation, which the dignity and interests of the United States require. He has moreover repeated to Congress the promise, that he would not treat with the common enemy, without making it a primary and essential condition, that the independence of the United States should be acknowledged, conformably to the stipulations of the treaty of alliance. His Majesty has at the same time ordered his Minister Plenipotentiary to lay before Congress some considerations relative to the state of affairs, and particularly to observe to them, that the alliance, unless victorious, cannot dictate terms to the common enemy. The undersigned has executed these orders either verbally or in writing.

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It is evident then, that his Majesty desires only the tranquillity and prosperity of America, upon the foundation of an honorable and firm peace, conformable to the stipulations of the treaty of alliance. He rejects every idea of conquest and acquisition of territory for himself. In order promptly to attain this advantageous object, and to fulfil his engagements, he is disposed to carry on the war with vigor, if the common enemy refuses the pacific system, which his Majesty has announced to the whole world, and which the United States adopted on signing the alliance. But in case that the perseverance of the Court of London in the desire to subdue, or to conquer America, should prolong the calamities of the war, his Majesty will consider himself at liberty to concert with the United States all the further measures adapted to this new order of things, and conformably to the mutual interests of the allies and of the common cause. It is thus that the King fulfils, and proposes to fulfil, the duties resulting from Articles 1st and 8th of the treaty of alliance, by urging on one side the United States to participate in the negotiation, which can conduct to the conclusion of a truce and of a peace, by making common cause with the said States, and on the other side, by enabling the two allies mutually to assist each other by their good offices, their councils, and their forces, as circumstances may require; in fine, by showing his perseverance, conformably to Article 8th, in the resolution not to lay down arms till independence shall have been formally or tacitly acknowledged. But as this last stipulation limits his Majesty's engagements on this subject to the very time of this acknowledgment, if England immediately agrees to this essential condition, his Most Christian Majesty will have fulfilled all his positive and direct engagements in relation to the conclusion of peace.

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It follows from these observations,

1st. That the King has engaged to procure for the United States, by means of arms, the acknowledgment of their independence, and that his Majesty is faithful to fulfil this obligation, and even disposed to lend them assistance, to which he is not obliged by the treaty.

2dly. That he has made no other engagements than those expressed in the stipulations of the treaty.

3dly. That the United States have neither title nor right to require anything more, and that if they wish to persuade him to further engagements, it can only be voluntary on his part, and by uniting *reciprocal counsels*, conformably to the expression of Article 1st of the treaty, and as is proper for *good and faithful allies*. Even in this case, it is impossible to foresee the state of things and minds in Europe, or to judge what measures the important care of maintaining his reputation, and the system of equity and moderation, which he has made the fundamental principle of his reign, may require on his Majesty's part. These considerations seem particularly due to an ally, when he has contracted gratuitous obligations without any reciprocal advantages.

4thly. By uniting the expressions of Articles 11th and 12th, it will be seen, that the success of the war being alone able to fix the fate of empires, it has been found impossible on concluding the treaty of alliance to determine the possessions that the United States may obtain on making peace; that consequently, the engagement of France can only be conditional and eventual on this subject; that she is not now held to any particular engagement, in relation to these possessions, whether real or pretended; and that this obligation will not commence till the time in which the possessions of the United States shall be fixed by the cessation of the war.

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5thly. In fine, it is indispensable to add to these considerations, that when any doubt arises as to the expressions, the extent and the application of the stipulations of a treaty, the laws of reason, and of universal justice, as well as the rules of a good and faithful alliance, decide, that an ally has no right to interpret it arbitrarily and partially; that the attempt would at the same time offend the dignity, and destroy the confidence of his ally; that neither of them can in fact arrogate to himself the superiority in connexions, which ought to be equal and reciprocal; that it is only by a friendly explanation, by a formal agreement, that these doubts can be removed, and the exact meaning of treaties determined; that in short, this method would become still more indispensable, if it should happen, that the pretensions of one of the parties were founded only upon farfetched inductions, subject to discussion and contradiction, and would tend to alter the essential and fundamental system of an alliance.

The Minister Plenipotentiary of France is fully confident, that the Congress of the United States, knowing the laws of proceedings, and the respect which Sovereigns mutually owe to each other, will observe them in their conduct towards his Most Christian Majesty; but the important, critical, and pressing juncture, in which the affairs of the alliance stand at the present moment, imposes on the undersigned Minister the sacred duty of contributing, as much as lies in his power, to hasten the resolutions of Congress, to prevent all mistakes and every subject of misunderstanding, to preserve the most perfect harmony and uniformity of views and sentiments, concerning the accomplishment of the advantageous stipulations of the alliance, and thus to deceive the expectation of the common enemy, who henceforth founds his principal hopes on the divisions, which he is intent upon fomenting. In fine, one of the objects of this Memorial is, to prove, solemnly, the faithful and friendly conduct of the King in this juncture, his Majesty hoping, that the knowledge of this conduct will confirm the governments and people of America in the sentiments of confidence, which the proceedings of his said Majesty have already inspired. It is only by thus placing before the eyes of Congress the indubitable principles expressed above, that the Minister Plenipotentiary of France thought that he could fulfil his duties to the King, his master, and to the alliance, and protect from all reproach his zeal for the common cause between France and America.

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If he has deceived himself in his conjectures, as to the immediate and apparent utility of his mode of proceeding, he begs Congress to accept his excuses for having consumed time of so much value, and he flatters himself, that knowing his attachment to the alliance, and to the United States, it will attribute his conduct to these sentiments alone.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 24th, 1779.

Sir,

I avail myself of the first respite, which my sickness allows me, to congratulate you as well as Congress upon the resolution, which I am assured they have taken, in relation to their finances. The execution of the system, which appeared connected with this first operation of a tax, will show to your friends and your enemies the extent of your resources, your firmness, and your ability to make a suitable and efficacious use of them. The eagerness with which the people seemed to expect an arrangement of this kind, gives beforehand the proof of their favorable dispositions and of their good will. This state of things, Sir, cannot but strengthen the very friendly intentions of the King, my master, by the confidence with which your own efforts, and

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the displaying of the resources of America, will inspire him in your dispositions. It will only remain for you to show vigor in your military operations, in order to destroy the hope entertained by the common enemy, of conquering America; then everything will inspire us with the hope of soon seeing the happy day dawn, in which America will enjoy independence, together with the advantages and delights of peace. Congress has received all the possible assurances of the King's, my master's, desire to hasten that moment, and he is convinced, that Congress will place no obstacle in the way.

I have the honor to be, with respectful esteem, Sir, your humble and most obedient servant.

GERARD.

May 24th. Information being given to Congress of some outrages and wanton barbarities, committed on subjects of France by the enemy, on their landing in Virginia, the following resolutions were passed.

Whereas it has been represented to Congress, that the enemy at the time of, and since their landing in Virginia, have perpetrated the most unnecessary, wanton, and outrageous barbarities, on divers of the citizens of that State, as well as on several of the subjects of his Most Christian Majesty residing therein, deliberately putting many of them to death in cool blood, after they had surrendered, abusing women, and desolating the country with fire,

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Resolved, That the Governor of Virginia, be requested to cause diligent inquiry to be made into the truth of the above representations, and to transmit to Congress the evidence he may collect on the subject.

Resolved, That Congress will retaliate for cruelties and violations of the laws of nations committed in these States, against the subjects of his Most Christian Majesty, in like manner and measure as if committed against citizens of the said States, and that the protection of Congress shall be on all occasions equally extended to both.

TO THE PRESIDENT OF CONGRESS.

Translation

Philadelphia, May 25th, 1779.

Sir,

I have received with the most lively satisfaction the letter with which you honored me on the 24th of this month, as well as the resolutions of Congress of the same date, which accompanied it, and which relate to the atrocious actions committed by the enemy's troops in Virginia, which violate equally the laws of war established between civilized nations, and the first principles of humanity, and attack the foundations of all human society.

The whole world cannot but be convinced of the justice of the necessary measures to which the conduct of the common enemy compels Congress to have recourse, in order if possible to put an end to such horrible excesses.

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I must confine myself here, Sir, to requesting you to place before Congress this assurance of the sensibility with which the King, my master, and the whole French nation will receive the strong proof of friendship, union, and identity of feelings and interests, which the United States give in declaring, that they will make no distinction, in this respect, between their own subjects and those of their ally. This will give the common enemy a new evidence of the inviolability of the alliance which unites the two nations, and will afford the French, who have already given so many proofs of their individual attachment to the sentiments of the alliance, and of their zeal for the United States, a new motive of encouragement. By thus increasing more and more the connexions and the mutual confidence, the means of braving the effects of the ambition and the revenge of the common enemy will be increased.

I have the honor to be, with respect and esteem, Sir, your most humble and obedient servant.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

The Minister Plenipotentiary of France, in consequence of the sentiment and the views, which have prompted his previous representations, has the honor to observe to the representatives of the United States of America in Congress assembled, that independently of the principal and direct interest of the confederated republic in the overtures of pacification, which the undersigned has been ordered to make to Congress, the general good of the alliance urges with all possible earnestness the hastening of the resolution of the said States. It is in fact only by enabling the Court of Spain to bring its mediation to its critical and decisive point, that it can be hoped that this power, convinced of the injustice of the views and of the ambition of England, will join the alliance, acknowledge the independence of the United States, and take an active part in the war. On the contrary, by delaying without communicating to the parties interested the motives which induce them to it, the States will be in danger of fatiguing this power, which keeps on foot the forces of the whole monarchy, principally with a view to give respectability to a mediation which appears to be neglected; they incur the risk of cooling the good will of his Catholic Majesty, and perhaps of alienating him as much by delays, as if resolutions, contrary to the system which he has appeared disposed to favor by his mediation, should give him lawful reasons for changing his conduct. 303

The alliance will thus be deprived of a decisive support, which the goodness of its cause, the wisdom of its conduct, and the close union subsisting between France and Spain seemed to promise it. Moreover, the suspension of the said resolutions operates equally in another point of view, in a manner the most disadvantageous for the alliance in general, and for France in particular. On the one side, in fact, the expectation of the resolutions of Congress necessarily infuses into plans and measures an uncertainty injurious to the common good, and if the Count d'Estaing does not carry into execution the plan of coming upon the American coast, it can only be attributed to this cause. On the other hand, the season is already so far advanced, that this same uncertainty, by destroying the hope of seeing Spain declare herself during the course of the present campaign, leaves France alone exposed to the efforts of the principal body of the enemy's forces. 304

The wisdom of Congress, and the faithful attachment which they show on every occasion, in a manner as conspicuous as it is satisfactory to the alliance, and the respect which they have always expressed for Spain, do not permit a doubt as to the attention which they will be pleased to give to considerations of such importance. The present Memorial is the last tribute that the zeal of the Minister Plenipotentiary of France will allow him to consecrate to the duty of facilitating and accelerating, as much as lies in his power, the deliberations of Congress, by suggesting considerations which might have such an influence.

GERARD.

June 22d. A Memorial from the Minister Plenipotentiary of France was read, accompanied with a commission given by him to the Sieur de St Hilaire, appointing him Vice-Consul for the port of Alexandria in Virginia. Ordered, that the same be referred to the Marine Committee to take order thereon.

Another Memorial from the Minister was received and read, accompanied with two Memorials relative to violences, of which divers subjects of his Majesty complain. These were also referred to the Marine Committee.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, June 21st, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to represent to the Congress of the United States of America, that the daily experience of several ports of the continent proves how prejudicial the want of the proper regulations for maintaining the immunity of the flag, which is the foundation of a free commerce, is to navigators, to French merchants, and even to the interests and to the honor of the French nation. The treaty of commerce has foreseen this state of things, and has expressed the wish of the two parties to remedy it. The undersigned would have proposed to Congress, some time ago, to enter upon this negotiation, had he not perceived that their time was occupied by subjects of greater importance; but as the evil increases daily, it becomes indispensable and urgent to provide a remedy for it, at least with regard to the most pressing subjects, and by provisional regulations, which will have no force till the contract,

stipulated by the treaty of commerce, is made.

The Minister Plenipotentiary consequently thinks it his duty to lay before Congress the annexed plan, and to propose a method, which seemed to him calculated to effect this object.

Several States, perceiving the inconveniences of the present uncertainty, seemed disposed to provide a remedy for it by domestic laws; but the undersigned has not been willing to urge them, without being previously informed of the sentiments of Congress on this subject. He consequently requests that body to be pleased to inform him of them, and if they think proper that the daily complaints should be redressed by provisional regulations, while waiting till the subject shall be acted upon by a convention, to recommend this matter itself to the Legislatures of the several States. The regulations which they may make will show by experience, whether they are calculated to effect this object. They will throw light upon the rules observed among all commercial nations, and will give to the United States in general an opportunity of becoming acquainted with the manner in which the commerce between the two nations can be regulated, according to the principles of justice and equality, which should form the foundation of all the connexions that shall subsist between them, and according to the principles and forms which vary in different States.

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GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 5th, 1779.

Sir,

The Minister Plenipotentiary of France, has already had the honor to recommend to Congress the request made by the King's navy agent in relation to the expedition of the ship *Defence*, loaded with provisions for Cape François. He renews his entreaties by the present Memorial. The quantity of provisions on board this vessel is so inconsiderable, particularly considering the abundance of old grain which we see now, that the undersigned hopes that Congress will think that the exportation of them may be allowed, without injury to the service of the army or of the public. The undersigned, however, offers to have these same provisions received, so as to be deducted from the quantity promised for his Majesty's squadron, and particularly the flour, on account of the thousand barrels, to which the eighteen thousand, promised for the same service, have been reduced. The want of provisions is so great at Cape François, particularly in the vessels of Count d'Estaing's squadron, which are stationed there to protect the reciprocal commerce, that the said Minister is ready to subscribe to whatever conditions Congress shall think proper to impose with regard to this expedition. But he requests with the greatest earnestness, that they would be pleased not to defer giving a positive answer, in order not to increase, if its decision is in the negative, the costs and expenses which the King will be obliged to pay to the proprietors and fitters out of the said vessel.

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With regard to its destination, the undersigned had thought that he could flatter himself, that his character and conduct would prevent the doubts which a member of Congress has communicated in writing to the King's navy agent. Nevertheless, as so weighty a suspicion, declared in so serious a manner, and impeaching the probity and fidelity of the officers of the King, acting immediately under the direction of the said Minister, cannot have been suggested to Congress without important reasons, the undersigned entreats and requests them to be pleased to cause an account to be rendered of the reasons of his suspicions, and of the facts upon which they may have been grounded. The undersigned requests further, that the result of this verification may be communicated to him, in order that he may be in a situation to take the further part, that the dignity of the King, his respect for Congress, his regard for the public interest of America, and the delicacy which ought to characterise the conduct of every public man, may require.

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The undersigned makes the same request, and for the same reasons, with regard to the accusation made to Congress, that the vessels, which have been fitted out in the name of the King, have been loaded with quantities of flour on individual account. He declares that his first rule has always been to cause the whole of the vessels to be freighted on his Majesty's account; but if any frauds have been committed in this matter, it is of equal importance to the public good, and to the dignity of the King, that its authors should be known, in order to prevent further frauds. The delegates to Congress, by a verbal declaration made to the King's navy agent, have confined this imputation to one vessel alone, but it is not less important that the fact should be verified.

Besides, although the Minister Plenipotentiary of France insists on this point, in order to make these odious imputations fall on those who may deserve them, he could have contented himself with declaring, that not having the right of police and inspection over the proprietors, owners, and Captains of the American vessels, which have been employed in these transportations, and who ought to be better acquainted than strangers with the laws of the country, it is only the

officers of the State, appointed to receive the declarations of the ships which sail from the ports, who can, in examining the cargoes, determine the frauds which may have been committed; and that without directly and positively blaming the officers of the King, they cannot be made responsible for frauds, which it is not in their power to prevent. Very far from desiring any connivance on the part of the officers or of the governments of the different States of America, the undersigned earnestly desires, that they would be pleased to execute with vigor the powers which belong to them, and the laws which may have reference to these subjects.

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The undersigned hopes that Congress will be pleased not to defer its resolution, whatever it may be, respecting the ship Defence, till the verification of these facts. The two affairs have nothing in common, and the Minister Plenipotentiary, in repeating his offers expressed above, flatters himself that Congress, if they think proper to permit this expedition, will find that these arrangements can be made even after the departure of this vessel.

GERARD.

This Memorial being read, it was immediately

Resolved, that it be recommended to his Excellency the Governor of Maryland to permit the ship Defence, which is loaded with provisions for the fleet of his Most Christian Majesty, to depart and carry her cargo to the place of her destination, and that care be taken that she carry no other provisions than the above, and what may be necessary for the crew.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 5th, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to represent to Congress, that faithful to the promises which that body has asked for, on his part, in relation to the purchase of provisions destined for the squadron, which the King sent last year to the assistance of the United States, he has never authorised any purchase except through the very overseers appointed by Congress, or without giving notice of the operation to the members of the committees intrusted with this business. He has declared to them several times, that the provisions bought on the account, and with the money of the King, would always remain at the disposal of Congress, either for the public service, or for that of the American army. The undersigned hopes, that their members will be witnesses of it to Congress. Delicacy has been carried so far, that it has been preferred to expose the King's squadron to the want of provisions, which it has procured only in consequence of some happy accidents, rather than to break through an arrangement which Congress had judged necessary. The same principle has guided the conduct which has been pursued in the last place, when the undersigned, by his knowledge of the chief motives of Congress, having been obliged to demand the assurance of a certain quantity of provisions, the difficulty of circumstances induced him to combine purchases by way of commerce with the direct measures which Congress has judged proper to take. As Congress must have been informed of all that has taken place on this subject, the undersigned will not introduce it again here, and he will abstain from all reflection.

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He confines himself to representing to Congress, that the produce of these private purchases is reduced to a very small quantity, by the obstacles which the continental officers have thrown in their way, and by the seizure, by authority, of the articles bought, as well as by other similar events; and the agents employed on the King's account, being thus deprived of the security and of the power which every American citizen, and every foreign merchant enjoys, and the property of the King being so uncertain and exposed, the undersigned begs Congress to be pleased to cause all the provisions bought on the account and with the money of his Majesty, to be placed in the hands of the officers whom they shall judge proper to appoint for this purpose, in order that Congress may dispose of them in such manner as their own prudence and the public interest shall dictate; the undersigned declaring, that from the moment in which he was informed of these proceedings and of these obstacles, he has given order to put an end to every kind of purchase and supply of provisions. He annexes here the note of the provisions now in the hands of the King's agents; and if the commissions given heretofore have produced a greater quantity of them, he will have the honor to give notice of it to Congress, according as he shall be informed of it himself.

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But he must at the same time call the attention of Congress to the proposition, which he had the honor to make to them by the Memorial which contains the request for this new supply, that is to say, that they would be pleased to declare, whether the Minister Plenipotentiary of France may reckon upon the quantity of provisions, which are necessary for the important object which he

has had the honor to communicate to Congress. In order to facilitate the success of his measures on this subject, the undersigned confines himself at the present time to requesting, that the quantity of five thousand barrels of flour may be immediately held in readiness. The remainder can be furnished in the course of September next, from grain the product of this year's harvest.

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The reasons alleged in the said Memorial compel the undersigned to repeat to Congress the formal demand of a prompt and explicit answer, with which he has not hitherto been honored. Congress has too much wisdom for any one to allow himself to set forth to it all the inconveniences which might result to America, and to the alliance from the least delay. The reports hitherto communicated are so uncertain, that it is impossible to make them the foundation of a confidence, which the experience of the past does not encourage, unless Congress authorises them by its sanction. A formal and explicit assurance on the part of Congress can alone effect an object so important, upon which the Minister Plenipotentiary of France has insisted since the month of May, and which the advancement of the season renders still more critical and pressing.

GERARD.

REPORT OF A COMMITTEE RESPECTING A CONFERENCE WITH THE MINISTER OF FRANCE.

In Congress, July 10th, 1779.

The President informed Congress, that the Minister of France had communicated to him certain intelligence, about which it would, in his opinion, be expedient for Congress to confer with the Minister.

Resolved, That the honorable M. Gerard be informed by the President, that Congress are desirous of conferring with him in a committee of the whole, on the subject of the intelligence communicated by him to the President, and that if agreeable to him, a private audience be had on Monday next, at 12 o'clock.

Monday, July 12th. The President informed the house, that he had communicated to the Minister of France the resolution of Saturday, and that the Minister had agreed to meet Congress, in a committee of the whole, at 12 o'clock. Whereupon Congress was resolved into a committee of the whole, and had a conference with the Minister, and on the 14th of July, Mr Laurens, chairman of the committee, reported,

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That in obedience to the order of Congress, the committee of the whole have conferred with the Minister Plenipotentiary of France, who introduced the conference by saying, that he had received some despatches from his Court, which he was ordered to communicate to Congress, but that he expected no answer. That though it was not the usual practice to offer communications of this nature in writing, yet as it had been intimated to him by the President, that this mode would be most agreeable to Congress, he had committed the heads of them to paper, not as a Memorial, but merely for the assistance of the memory, in a form to which the term of "*ad statum legendi*" is appropriated by the usage of the Courts of Europe; that in reading the said paper he would take the liberty of making some explanations and reflections.

That he then proceeded to read the paper herewith delivered, marked No. 1, divided into seven Articles, and at the close of each separate Article he added explanations and reflections, the substance of which the committee have endeavored to recollect, and have committed to writing in the paper marked No 2.

NO. I.

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Ad statum legendi.

1st. The King has approved all the overtures, which were made by his Minister Plenipotentiary to the Honorable Congress, respecting the affairs of M. de Beaumarchais. Therefore a line ought to be drawn between the stores, which this gentleman has been permitted to take out of the royal magazine, for which he has made himself debtor to the department of war, and between those articles which the same gentleman has bought in the common way of trade for the use of the United States.

2dly. A hint having been given to the Minister Plenipotentiary, that Congress desire to recruit their ships in France, from the English prisoners there, the Court in consequence of his representations is willing to facilitate this mode of recruiting seamen.

3dly. The King and Ministry were extremely pleased with the resolution, which Congress has taken, to maintain only one Minister Plenipotentiary at this Court, as well as with the exclusive appointment of so steady and honest a man, and so firm and solid a patriot, as Dr Franklin.

4thly. The Congress has given very great satisfaction to the Court of France, by the timely and

spirited step, which was taken to disavow a certain ill-grounded and pernicious doctrine, relating to the mutual obligations of the allies, to conclude no truce or peace without the knowledge or consent of each other. The Court of France is of opinion, that this doctrine could only be maintained by those men, whose aim it was by any means to weaken the ties of the alliance, and to create disgust and diffidence between the allies.

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5thly. The Court has received with some surprise the intelligence, that Congress has published the treaties concluded with it, without the previous knowledge and consent of the party interested. It is not to be denied, that such a proceeding is but little consistent with reason, and with the general practice of Courts and nations. Nevertheless, this observation involves not any kind of reproach, but the King thinks, that so noble and generous a system of politics could but produce desirable effects by its publication.

6thly. The intelligence, that in the first month of last winter there were no adequate preparations made in America towards a vigorous and successful campaign, was received at Versailles with all the concern, which the danger of the United States and the prolongation of the present contest can create in the most friendly mind. The Court of France is fully in the opinion, that the exertions of the United States are necessary to bring the common enemy to a proper sense of all the disappointments which he shall meet with.

7thly. The Court, being desirous to acquaint Congress exactly with the state of affairs relating to the common cause, would not delay to inform this honorable body, that the Court of London, showing on one side dispositions to a reconciliation with France, rejects on the other side the very idea of a formal and explicit acknowledgment of the independence of the United States, which his Most Christian Majesty perseveres to hold up as a preliminary and essential condition. The behavior of the common enemy in this respect rendered a great deal more probable the conjecture, which was communicated to Congress some time ago, that the point of honor and pride of the King of England will be the greatest obstacle to the conclusion of peace upon those explicit terms; and perhaps the manner of overcoming this difficulty will of course become the most decisive object of the deliberations of Congress, when this honorable body shall determine to make peace, whatever middle way may be hit upon, that England shall treat with the United States as with a free people, and evacuate immediately all the territories belonging to them.

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NO. II.

The Substance of what the Minister said at the Conference in explanation of the several Articles in the foregoing Paper, entitled "ad statum legendi," as reported by the Committee.

ARTICLE 1. From the bills and accounts with which Congress have been furnished by M. de Beaumarchais, Congress will be enabled to distinguish those articles which were drawn from the royal magazines, and those which he supplied in the way of trade. For these last, Congress will without doubt make remittances to M. de Beaumarchais in their own way, to enable him to perform the contracts he has entered into as a merchant. That for the former articles, the King, his master, taking upon himself to be creditor to the United States, would wait until Congress shall find it convenient to make compensation.

ARTICLE 2. Though his Court had not resolved to retaliate upon the prisoners taken by the common enemy, yet for the reasons assigned, the King, his master, had assented to the proposal. But in carrying this matter into execution it would be proper to take such precautions, and to give such orders to the Captains, or other persons employed in this business, that it may be managed with prudence.

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ARTICLE 3. There is every reason to believe, that Congress will very soon receive proofs of the confidence, which his Court was always willing to show to the servants of these States. The personal character of Dr Franklin will enable the Court to act with a frankness becoming the alliance, and they will have no occasion to withhold any more the secrets which may interest the United States and the alliance.

ARTICLE 4. The King, his master, after this explicit step, relies with the highest confidence upon the candor and faithfulness of Congress, in understanding as well as in executing the treaty, and in rejecting every arbitrary and unnatural interposition or construction, which false, subtle, or designing men can contrive. Congress by their own feelings must be sensible, that such interpretations and constructions are always hurtful, against common decency and dignity, and may oftentimes endanger mutual confidence, and of course the very existence of a treaty. But the sense Congress has manifested in this particular affair gives his Court the greatest hopes, that there will be no further motive for the painful reflections, which that affair gave rise to.

ARTICLE 5. He begged leave to add, that this publication interfered with the situation of affairs in Europe, and was in a certain degree disadvantageous to the common cause, because it gave the common enemy a full knowledge of our system, and our mutual engagements, without procuring us any reason to guess at their views and resolutions. Happily these inconveniences have not been felt, and ample compensation has been obtained by convincing the people of America, not only that the treaty was just and equal, but that the heavy task which France had taken upon her was magnanimous, gratuitous and without reward. The whole world was at the same time convinced, that war, conquest, and ambition, were not the objects of the alliance, nor of any of

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the allies, but only the peaceable enjoyment of the sovereignty, liberty, security, and independence of these United States. And this conviction gave much honor, credit, and consideration to the alliance.

ARTICLE 6. On this he observed, that he had endeavored since last fall, by order of his Court, to impress upon every mind, that England will never evacuate New York willingly, and could only be brought by proper exertions on the part of America to think seriously of granting independence. He believed that Congress had adopted a system so conformable to their engagements and to the situation of affairs, his Court was better informed than he was. But without reflecting on past events, the King hopes, that his amicable apprehensions will be overcome by the success of the campaign; that henceforth the United States will follow the example set them by his Majesty, and that they will exert themselves in their own cause, as his Majesty exerts himself for their sakes and in their cause, which he has adopted.

ARTICLE 7. He said he was authorised to tell Congress in confidence, that this reflection is the result of the observations which the Court of Spain made upon the conduct of England throughout her negotiation of mediation; that the British Ministry seem to be solicitous to be reconciled with France, and to keep up this negotiation; that from thence probable hopes may be entertained of their internal disposition to peace, but at the same time they reject with haughtiness the formal acknowledgment of the independence insisted on by France and Spain. New orders have been given to the Spanish Ambassador at London, to ascertain as nearly as possible those dispositions. In these circumstances, the King, his master, ordered him to communicate this intelligence to the United States, that they may, if they think proper, take under consideration, if it would not be expedient to give their Plenipotentiary instructions and full powers, founded upon the necessity of the conjuncture and upon the treaty of alliance, the express and formal terms of which are, that peace shall not be made without an express or tacit acknowledgment of the sovereignty, and, consequently, and *à fortiori*, of the rights inherent in sovereignty, as well as of the independency of the United States in matters of government and of commerce.

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This substantial alternative in an engagement, which is a mere gratuitous gift, without any compensation or stipulation, ought, indeed, never to be forgotten in a negotiation for peace. France foresaw the extreme difficulties, which a formal and explicit acknowledgment might meet with. She knew by her own experience in similar contests, in which she has been deeply concerned, respecting the Republics of Holland, Genoa, and the Swiss cantons, how tenacious monarchs are, and how repugnant to pronounce the humiliating *formula*. It was only obtained for Holland *tacitly*, after a war of thirty years, and *explicitly* after a resistance of seventy. To this day, Genoa and the Swiss cantons have obtained no renunciation or acknowledgment, either tacit or formal, from their former sovereigns. But they enjoy their sovereignty and independence only under the guarantee of France. His Court thought it important to provide, that difficulties of this nature, which consist merely in words, should not delay or prevent America from enjoying the thing itself.

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From these considerations arose the very important and explicit stipulation in the treaty, which he just now mentioned, and which has received the sanction of the United States. The circumstances seem such as call for the application of the alternative of tacit or explicit acknowledgement. All these considerations are adduced, that Congress may, if they think proper, consider whether the literal execution of the treaty in this point is not become necessary, and whether the safety and happiness of the American people, as well as the essential principles of the alliance, are not intimately connected with the resolutions that may be taken on this subject. And it remains with the prudence of Congress to examine, whether instructions upon some particular conditions may not frustrate the salutary purpose of the treaty of alliance, relative to a tacit acknowledgment which the situation of affairs may require.

In thus executing, continued he, the orders I have received, I cannot omit observing, that these orders were given with the full presumption, that the business, which I laid before Congress in February last, would have been settled long before these despatches should come to my hands. However sensibly my Court will be disappointed in its expectations, I shall add nothing to the information and observations, which, with the warmest zeal for the interests and honor of both countries, and by the duties of my office, and my instructions, I found myself bound to deliver from time to time to Congress, in the course of this business. The apprehension of giving new matter to those who endeavor to blame Congress is a new motive for me to be silent. I beg only to remind this honorable body of the aforesaid information and reflections, and particularly of those which I had the honor to deliver in an assembly similar to the present. I shall only insist on a single point, which I established then and since, in one of my Memorials, namely, the manifest and striking necessity of enabling Spain, by the determination of just and moderate terms, to press upon England with her good offices and bring her mediation to an issue, in order that we may know whether we are to expect peace or war. This step is looked upon in Europe as immediately necessary. It was the proper object of the message I delivered in February last. I then established the strong reasons, which require that at the same time, and without delay, proper terms should be offered to his Catholic Majesty, in order to reconcile him perfectly to the American interest. I did not conceal, that it was to be feared, that any condition inconsistent with the established system of the alliance, which is the binding and only law of the allies, and contrary to the line of conduct, which Spain pursued in the course of her mediation, would lead her to drop the mediation, and prevent his Catholic Majesty, by motives of honor and of

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faithfulness, from joining in our common cause, and from completing the intended triumvirate. No loss, no unhappy event, could be so heavy upon the alliance as this. Indeed, although the British forces are already kept in check by the combined efforts of France and America, it is nevertheless evident, that the accession of Spain can only give to the alliance a decided superiority, adequate to our purposes, and free us from the fatal chance, that a single unlucky event may overthrow the balance.

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The committee then taking notice of what the Minister had said concerning a tacit assurance of the independence of these States, and the reluctance of the King of Great Britain to make an express acknowledgment thereof, requested to know his sense concerning the manner in which such tacit assurance could be given. To which, he premising that what he should now say ought to be considered only as his private sentiments, replied, that the British Court would probably endeavor to avoid an express acknowledgment, by imitating precedents, that had occurred in Europe on similar occasions, instancing the cases of the Swiss cantons, and the United Provinces of the Netherlands; that the mode adopted in the latter case had been for the Archduke, to whom the King of Spain had transferred his right of sovereignty, to treat with them "as with free and independent States." And that with respect to the cantons, France had not been able to obtain for them in the treaty of Munster any other than a declaration, that they should be in possession of as full liberty and exemption from the empire, and be in no manner subject to the jurisdiction thereof. But that in his opinion the circumstances of these States, and the manner in which they had conducted their opposition, would justify their expecting a more full declaration.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, July 26th, 1779.

Sir,

The Minister Plenipotentiary of France has received with gratitude the permission, which the Congress of the United States has been pleased to grant him, for the expedition of the ship Defence. His Court will be very sensible of the regard, which Congress have been pleased to pay to the situation of the vessels of war stationed at Cape François.

The said Minister takes the liberty of reminding Congress of the request, which he made in one of his Memorials, dated the 5th of this month, relative to the accusations, which have been made before the whole House, of frauds which were thought to have been practised with regard to the cargo of the ship Defence, and of other vessels loaded with provisions for the French squadron. The undersigned has, by writing, on the 17th of this month, urged the committee intrusted with this verification, to be pleased to hasten its report, and he takes the liberty of addressing the same request to the Congress of the United States itself. Congress is also referred to the reflections contained in his said Memorial of the 5th instant.

GERARD.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, July 26th, 1779

Sir,

The Minister Plenipotentiary of France has received the resolution of Congress, dated the 15th of this month, in relation to the supplies of provisions destined for the squadron of the King. He requests Congress to accept his thanks for the measures, which have been taken to effect this important object. He is only under the necessity of representing, that no one of the officers of the King can, and that no American citizen will, take it upon himself to receive and take care of the provisions destined for this purpose. The unjust and arbitrary proceedings, to which they have been exposed, terrify them, and the undersigned is obliged to request Congress to leave the said provisions in their own magazines, and in the hands of their own officers, till the time of making use of them arrives. This request has more particular reference to the flour taken from Wilmington, and which has become the direct property of Congress by the transfer of it, which the undersigned made to Congress in one of his latest Memorials.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 26th, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to lay before the Congress of the United States of America the sequel of the proceedings inserted in the public papers against M. Holker, Consul of the King, and his Majesty's general Navy Agent. The first part of these same proceedings is already in the hands of this august Assembly. The Minister of France intended merely to lay the facts before them, and to leave to their wisdom to determine the measures, that they should judge proper for putting an end to this offence; but the late unjust, injurious, and incompetent proceedings, which have been carried on against a public officer of the King in relation to the exercise of his functions, the further dangers with which he is threatened, the indirect consequences, which already result from them to the representative of his Majesty, and those which may result more directly from the sentiments and principles which are manifested, do not permit the Minister any longer to observe the same moderation.

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Congress have received the credentials of the undersigned Minister in the name of all the United States. They have accepted, and invested with their authority the other officers of his Majesty. It consequently belongs to Congress to protect them against the attacks, which may be made in their persons on the dignity of his Most Christian Majesty, and the laws common to all nations governed by the laws of police, relative to the free exercise of their functions. Congress is too enlightened to need a comment upon the insulting writings, which the Minister lays before them. He merely requests them to take into consideration the contents of the letter, which the said Minister has written to the President of the Executive Council of Pennsylvania, as well as that which the Consul of the King has addressed to him. Copies of them are annexed. He is persuaded that Congress will have the less hesitation to take this cause in hand, as facts are involved in it relative to the secret of the alliance, which have happened in the sight and with the consent of a committee; and as this reason alone would justify them in taking an exclusive cognizance of it; besides, the Consul of the King will most fully prove, if Congress think it necessary, that the orders he has given have been exactly conformable to the agreement made with the committee, and to the territorial laws of the State in which they were executed.

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Agreeably to these considerations, the Minister Plenipotentiary of France has the honor to beg and formally to request the Congress of the United States of America;

1st. To be pleased to take under their special protection the Consul of the King, and, if circumstances require it, his Majesty's other officers.

2dly. To cause the public notice already given to be repeated, that M. Holker has been accepted by this august body, and recognised as the Consul of his Most Christian Majesty.

3dly. To grant to this public officer, or to procure for him, justice and satisfaction for the attacks publicly made on his honor and reputation.

4thly. To declare that the Consul of the King has acted conformably to the views and wishes of Congress, in seeking to procure provisions for the King's squadron by the way of trade; that the condition of these private purchases has always been, that the articles procured should remain at the free disposal of Congress, either for the army, or for the benefit of the public, and that not a single barrel of flour should be exported without their consent and formal authorisation; that, in consequence of this agreement, the undersigned Minister has transferred to them the hundred and eightytwo barrels bought at Wilmington, and that this quantity of provisions has, from this time, become the property of the United States.

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Finally, the undersigned Minister requests Congress to take the effectual measures that their wisdom shall dictate, for protecting all the officers of the King, his master, from every unjust, injurious, and arbitrary proceeding, and for securing to them the liberty necessary for the exercise of their functions, without seeing the dignity of his Majesty and the honor of his officers exposed to farther insults.

The justice of Congress, and their regard for the honor of a monarch, who is a friend and ally of the United States, will, doubtless, prevent the serious discussions and the misunderstanding which such proceedings, if they are not promptly and authentically made amends for, would undoubtedly occasion. It is with the most entire confidence, that the undersigned Minister places this whole affair in the hands of Congress.

GERARD.

M. GERARD TO THE PRESIDENT OF THE STATE OF PENNSYLVANIA.

Translation.

Philadelphia, July 26th, 1779.

Sir,

M. Holker, Navy Agent and Consul of the King, my master, has presented to me his defence in relation to the suspicions, which some have been pleased to excite as to his conduct concerning the subsistence of the French fleet. I approve and confirm all the contents of his letter, and I declare, that he has acted on this occasion in his capacity of a public man and an officer of his Most Christian Majesty, and that all the orders that he has given for the said subsistence have been given under my direction, and with the consent and agreeably to the desire of the committee of the general Congress of the United States.

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I hope that the defence of the Consul of the King will satisfy your Excellency and the Executive Council of this Province, as well as every honest and unprejudiced man. At any rate, M. Holker and all the other consuls and officers of his Most Christian Majesty scattered throughout America, will always be ready, when they shall be properly requested, to answer as to anything that shall relate to the law of the country. It is the serious will of his Majesty; his representatives are ordered to see to it; and it is for this reason, that the offers of M. Holker have anticipated your wishes in this respect. But, Sir, in paying this just tribute to the sovereignty and to the territorial law, I must have the honor of observing to you, that there is no civilized nation where the agents and public servants of a foreign sovereign do not enjoy immunities and exemptions, which by the unanimous consent of these nations have been regarded as indispensably necessary for the free exercise of their functions; even when they act contrary to the law of the country, care is taken, and caution used, in order not to wound the dignity of their constituents, and not lightly to injure the public character of their officers. If they have acted only in their official capacity, people have neither the right nor the power to set themselves up for judges; but if there are evident proofs, they are transmitted to the superior officer, if there is one in the country, and it may be to the sovereign himself, and it is for him to cause satisfaction to be made, or the proper punishments to be inflicted.

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These officers, moreover, cannot be subjected to any inspection or inquisition with regard to the execution of their public functions, except to that of their own sovereign and his representatives; it does not belong to any one whatsoever to assume in this respect a power and an authority, which would become an attack on the rights of the sovereign of another country, and an injury to its representatives. This would be a violation of the laws common to nations governed by the laws of police, and a manifest infraction of the principles upon which the mutual and necessary communication between friendly nations is founded, and without which the appointment and the residence of the respective public officers would become dangerous and impossible, if in any country whatever these principles were not acknowledged, or if any person pretended, without the consent of a sovereign, to set up for a guardian of his officers, and to censure and condemn their conduct in his name, or under the pretext of his interest. If this usurped power extended even to actions, the scene of which was without the territory of the State; if it were allowable to take the property of a sovereign by force from the place of deposit, notwithstanding the protest of the civil magistrate, and in a foreign State, to which alone it would belong to protest against the violence of its laws; in fine, if after assuming the pretext of taking care of his interests, any one should dare to sentence explicitly or by implication a foreign King to pay a penalty or fines, and if the public officers were represented as enemies of the country, even while they were employed in affairs of the utmost secrecy and of the greatest importance for this very country's own interest, they would then be deprived of the liberty, which every citizen and every other stranger enjoys; while, on the other hand, the terrified citizens would refuse to take part in any affair relating to this power, in order to preserve their reputation and tranquillity. These officers would then be prevented from fulfilling their duties to their master, particularly if the crime of falsehood were publicly imputed to them while their title and quality were called in question, although publicly and authentically acknowledged by all the powers of the country. Such conduct would be a marked insult, and this situation very near to a state of hostilities would tend to destroy all confidence, all commerce, and all correspondence between the two friendly and allied nations; and there would remain only one course to be pursued by the representatives of that which should be injured, and which could not obtain immediate satisfaction; namely, that of seeking an asylum in a country where the respect which a nation owes to an independent, friendly, and allied power, as well as to its representatives, is known, and where, by conforming to the territorial laws, one can rely upon the effectual protection of the sovereign, against every injurious, violent, and arbitrary proceeding.

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My duty, Sir, places me under the necessity of offering these remarks to your Excellency and the Executive Council. Having no direct credentials for the Republic of Pennsylvania, I cannot demand reparations from it as a Minister, and I can only address myself to the Congress of the

United States, forasmuch as the facts in question have all happened under its sanction and by its authorisation; but my desire to preserve the decency, harmony, and good understanding, which ought to prevail between two allied States, will justify me in earnestly requesting your Excellency and the Executive Council to take immediately into consideration the preceding observations, and without delay to communicate to me your opinion on this subject. An explicit and positive answer is indispensable in this delicate and critical juncture, in order that I may take the measures suitable to the dignity of the King, my master, as well as to the tranquillity and to the honor of his officers of all ranks and denominations, and at all events to enable his Majesty to provide himself for the maintenance of his dignity. Meanwhile I give orders to suspend every proceeding susceptible of new inconveniences, and every operation in the State of Pennsylvania on account of his Most Christian Majesty on the part of his officers, until the rules to which they are to conform shall be known and fixed, and till the public is convinced that the citizens do not expose their honor and their tranquillity, when they treat with the officers of the King, and when they conform to the laws of their States.

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GERARD.

No. 2.

M. HOLKER TO JOSEPH REED, PRESIDENT OF PENNSYLVANIA.

Translation.

Philadelphia, July 24th, 1779.

Sir,

I have the honor of forwarding to your Excellency Mr Dunlap's publication of this day, in which I find, with some degree of surprise, a paragraph levelled at me and my official transactions. I observe that notwithstanding the most explicit and repeated offers I made to you yesterday morning, and through you to the honorable the Supreme Executive Council of this State, of proving that I had not in any shape violated or infringed the laws of Pennsylvania, that I had acted in perfect conformity therewith; notwithstanding I solemnly declared that the flour seized was bought and destined for the sole use of his Majesty's fleet; notwithstanding the many and forcible reasons urged to your Excellency to convince you that more proper and more decent measures might have been pursued, and that the steps I had taken to supply his Majesty's fleet were not only proper, but were dictated by mere necessity; notwithstanding all these circumstances, I am still held up to the public in a suspicious light, and as if I were answerable or accountable for the private and personal transactions of Mr Rumford of Wilmington, transactions totally foreign to me and to the instructions or orders given him by me.

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My application to you, Sir, in this respect, seems to have been so far ineffectual, as also your just and pointed representation on this subject, which you were pleased to communicate to me by your letter of this day. I am sorry to remark, that though I have acted in concert with his Excellency, our Minister Plenipotentiary, that Congress has always been apprised of the purchases made by my orders; though all the provisions purchased and delivered into the hands of my agents have been at all times at the disposal of Congress in consequence of express stipulations; though I have given with pleasure the widest room for inquiry into the grounds of all suspicions, in order that a thorough investigation might establish public tranquillity and public confidence, which I had the greatest reason to expect, because it is evident, even by the publications, that not a single suspicion was founded on solid ground, but merely on surmise; still his Majesty's representative in this Commonwealth, his Agent General in all the ports of the United States, acknowledged as such by Congress, by yourself, and the board at which you preside, specially charged, in conjunction with the Minister Plenipotentiary, with procuring the necessary supplies for his Majesty's squadron, expressly fitted out for the defence of these States against the common enemy, and for the protection of his dominions in America, acting in the strict line of his office and duty, is most wantonly traduced to the public, branded with the most injurious and unfair imputations in the newspapers published in this very city, where these facts and my public character are most notorious, under your eyes, with your knowledge, and in contradiction to your personal advice and disapprobation.

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I need not expatiate on the evil consequences, that may arise from such illiberal aggression. I need not claim your interposition. But the reasons I gave you yesterday, becoming every instant more forcible and more pressing, it is necessary that I demand the most immediate exertions of government on this occasion.

It is with the utmost reluctance I sit down to appeal in this solemn manner to the Executive power of Pennsylvania for justice, lest my request may be construed an opposition to the respectable motives of the informers on my conduct; but I am accountable to my royal master for my actions, and obliged to exact that respect due to his representative in this State, and to support the dignity of the character with which he has been pleased to invest me. Therefore, it is in compliance with my duty, that I submit these facts and the repeated insults I meet with, to the

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reflections of your Excellency and Council, relying fully on your sense of propriety, and on your exertions on this occasion, as in all others, where I have applied for redress.^[26]

I remain with respect, your Excellency's most obedient and humble servant.

HOLKER.

FOOTNOTE:

[26] The publications relative to these complaints are found in the Pennsylvania Packet of Saturday, July 24th, 1779.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 28th, 1779.

Sir,

The Minister Plenipotentiary of France thinking it necessary to lay before Congress all the information relative to the affair of the flour from Wilmington, has the honor to annex the copy of a letter, which the President of the Executive Council of Pennsylvania has written to M. Holker, as well as of the three pieces, which were annexed to this letter, and of which this Consul has informed the said President that he retained a copy.

The undersigned Minister must at the same time have the honor to represent to Congress, that he is informed that there will be a new meeting of the city on Monday morning, and that the critical state of affairs seems to require, that it should be seen fit, before this time, to take some effectual measures conformable to the petition and to the request, which he has had the honor to address to Congress. Otherwise the undersigned, and the other officers of the King, would have no protection and no security against the effects of the unjust, injurious and violent principles and proceedings, of which the said Minister has complained; and he would be compelled to leave Philadelphia and Pennsylvania, in order to seek an asylum in another State, where liberty and protection could be secured to him, till he could receive the orders of the King, his master.

GERARD.

Copies of the Papers enclosed in the above Letter.

No 1.

JOSEPH REED TO M. HOLKER.

Philadelphia, July 24th, 1779.

Sir,

After the visit you favored me with yesterday, and in consideration of the point on which we conversed, I wrote the letter enclosed, and about six o'clock the answer, also enclosed, was delivered me. I informed the gentlemen, two of the committee, that I had seen you that morning, that you conceived yourself able to remove the imputations conveyed in their representations, and had requested the Council to point out the parts of your conduct, on which doubts might arise. The gentlemen promised me they would inform the other gentlemen of what I had represented; and also that I still thought there would be an impropriety in making the publication in the present circumstances. I observe this morning, that the gentlemen have been of a different opinion, doubtless deeming themselves under a public obligation to communicate the transaction to the world without delay.

I have the honor to be, &c.

JOSEPH REED.

P. S. Not having any copies of the enclosed, I must beg you to return them after perusal.

No. 2.

In Council, Philadelphia, July 23d, 1779.

A paper, dated in committee, and signed William Henry, chairman, in answer to the reference made by this Board on the 14th instant, having been read,

Ordered, that the Secretary do write to the said Mr Henry to inform him, that the papers alluded to in said answer did not accompany it, and to desire that they may be forwarded as soon as convenient.

The President having informed this Board, that M. Holker had conferred with him on the above representation, and showed a copy thereof received by him (M. Holker) from the committee, and requested that this Board would point out such parts thereof as may appear to convey any imputations upon him, or distrust of his faithful performance of his duty as a public officer,

Ordered, that the said paper be further considered tomorrow, that a proper answer may be given to the said request.

Extract from the minutes,

JAMES TRIMBLE,
for T. MATLACK, Secretary.

No. 3.

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JOSEPH REED TO WILLIAM HENRY, CHAIRMAN OF THE COMMITTEE.

Walnut Street, July 23d, 1779.

Sir,

I received this morning the report of the committee on the affairs of M. Holker, which by a particular accident I was prevented from laying before the Council this morning. I observe it is proposed to publish it, but I presume this does not mean an immediate publication, as there will be an indelicacy and violation of usual forms to do this, until a return has been officially made thereupon by us to Congress, through whom the matter came to us. In all cases of petitions or other papers, to be presented to any public body, I take it to be a standing rule, that the matter shall be first communicated to them, before it is published to the world. As I observe you have sent a copy to M. Holker, I presume it is intended thereby to give him an opportunity to explain, deny, or admit, such a part of it as he may think proper to do. A publication will in some measure debar him from this, whereas at a future day, if the publication is still thought necessary, the whole may be given together; at all events, it will be the duty of the Council to make some report to Congress, in which this narration will appear. As to the flour itself, perhaps there may be no inconvenience in letting it remain a few days in its present condition. My earnest wish is, that this business may be conducted without fear, favor, or partiality, to the real interests of the community, all first suspicions converted into solid proof, and those of a contrary kind effectually banished.

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The good sense of the gentlemen to whom I address myself will, I am persuaded, make the necessary and present distinction between persons acting in a public capacity and character, especially of another nation, and our own citizens, who are to stand or fall by their own laws, and the estimation of their countrymen.

I am, Gentlemen, &c.

JOSEPH REED.

No. 4.

WILLIAM HENRY TO JOSEPH REED.

Friday Afternoon, 5 o'clock, Committee Room.

Sir,

We had the honor of your favor of this morning, and beg leave to observe in answer thereto, that Mr Morris having already published an account of the flour, both in behalf of himself and M. Holker, as may be judged by his publishing M. Holker's letters, and that publication being prior to any report from the Council to Congress, we conceive there can be no impropriety in our now taking the matter publicly up. Besides which, we apprehend ourselves laid under an immediate necessity to give satisfaction to our fellow citizens on the subject, and to publish our proceedings for the previous consideration of the meeting on Monday.

M. Holker, we conceive, ought in justice to himself to have appealed to the Council agreeably to the resolution of Congress, which he has not done. We have deferred the matter to the last moment, and cannot now, without exposing the reputation of the committee, defer it longer.

Your Excellency is sensible that nothing but the most pressing necessity could induce us to depart from the advice you are pleased to give, and we request you to accept the reasons we

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have assigned as an apology for so doing.

By order of the committee.

I have the honor to be your Excellency's most obedient, humble servant,

WILLIAM HENRY, *Chairman.*

All the above memorials, letters, and papers received from the Minister this day, were referred to a committee of five, namely, Mr Huntington, Mr Laurens, Mr Smith, Mr Morris, and Mr Kean, who were instructed to confer with the President and the Supreme Executive Council of the State of Pennsylvania and with the Minister and Consul of France, and to prepare and report a state of facts, together with their opinion of the measures proper for Congress to adopt thereupon.

M. HOLKER TO M. GERARD.

Translation.

Philadelphia, July 29th, 1779.

Sir,

I have the honor to send you the several annexed certificates, which have been sent to me by Mr Rumford of Wilmington. As these papers have a direct relation to the conduct of Mr Rumford, and to the seizure made of the flour bought by him for the King's squadron, and as they may give room for fuller information, as well with regard to my transactions as to that of this commissary, or of every one else, in relation to the said flour seized, I think it my duty to request you to transmit them as soon as possible to Congress, informing that body that I have sent duplicates of them to the Council of the State of Pennsylvania. I hope that there will be found in them proofs of the desire, which has always animated me to conform in everything to the resolutions or recommendations of Congress, as well as to dispel all the doubts or suspicions which insinuations, assertions, or publications could have shed upon me. I dare even flatter myself, that I shall at last receive the satisfactory testimonial, to which my conduct, my transactions, public or private, in everything that can concern the United States of America, seem to entitle me on the part of Congress.

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I am, Sir, respectfully, your obedient humble servant,

HOLKER.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 30th, 1779.

Sir,

Mr Rumford has sent to the Consul of the King some new documents, which throw great light on the affair of the flour from Wilmington. I have the honor to forward them to you, in the hope that you will be pleased to lay them before Congress, as well as the letter of M. Holker, which accompanies them.

I have the honor to be, with the greatest respect, Sir, your most humble and obedient servant,

GERARD.

In Congress, July 30th, 1779.

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The above papers were referred to the committee of five, before mentioned, who on the 2d of August delivered in a report, whereupon Congress came to the following resolutions;

Resolved, That the Minister of France be assured, that Congress will at all times afford every countenance and protection to the Consuls and other servants of his Most Christian Majesty, with the powers and authorities to them delegated by their constituents.

That the several appointments of Consuls made, and which may hereafter be made and approved by Congress, be duly registered in the Secretary's office, and properly notified by the President to the Executive authorities of the respective States in whose ports such Consuls may reside.

That the measures taken by M. Holker to procure flour for the fleet of his Most Christian Majesty in the way of commerce, have from time to time been made known unto, and been fully approved by Congress; that the several proceedings and publications complained of by the Minister on that subject are very injurious to the servants of his said Majesty, and that Congress do highly disapprove of the same.

That the President and Supreme Executive Council of Pennsylvania be informed, that any prosecutions which it may be expedient to direct for such matters and things in the said publications or transactions, as may be against the laws of nations, shall be carried on at the expense of the United States.

That the Minister of France be informed that the President and Supreme Executive Council of Pennsylvania have taken proper measures to restore the flour taken from the agents of M. Holker.

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THE PRESIDENT OF PENNSYLVANIA TO M. GERARD.

In Council, Philadelphia, July 31st, 1779.

Sir,

I have now the honor of addressing you in answer to the representation you were pleased to make to this Board on the 24th instant. When, to every principle of public affection, policy, and justice, there is added our experience of your personal friendship to America, and your attachment and engaging deportment to the citizens of Pennsylvania of every rank, all professions on our part to make your residence in the State happy, easy, and honorable, must be unnecessary. It is not easy, therefore, for us to find language to express our concern at any transaction which may disturb your repose, and interrupt the exercise of those functions discharged with so much honor to yourself and satisfaction to those, who are called to take any part in public affairs.

In some communications which the Honorable Congress have been pleased to make to us, we also see, with great concern, that apprehensions are expressed, the reality of which we should deplore as an evil of the first magnitude. Be assured, Sir, that the citizens of Philadelphia, and of Pennsylvania, cannot entertain sentiments so unworthy; but if there are any so lost to every sense of propriety, decency, and order, the authority of the State has power equal to its inclination to check and suppress so licentious and wicked a procedure.

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We entreat you, therefore, to dismiss every idea so painful and so dishonorable to us as that of personal insult, and repose confidence in us when we confirm to you our assurances of the affection, respect, and esteem of our constituents. And if there are any persons, who presume to insinuate dangers of outrages, as suggested in your representations, we most earnestly request you to consider them either as ignorant of the real sentiments of those of whom they speak, or as acting from less honorable motives.

I have now the honor of acquainting you, that upon the requisition of this Board, the flour in question, and which has given rise to this unhappy discussion, is delivered up to this Board, and that it is ready to be put into the disposal of M. Holker, or any person he may direct, for the purposes of its original destination, without any condition or restriction, a measure, which we hope both as to you and himself, will be considered as a relinquishment of those terms, which form a ground of your complaint. Our desire to make the most early and explicit avowal of our sentiments and intentions has induced us to make this communication, at the same time all other business being laid aside, we are considering the papers which touch the character of M. Holker, upon which we shall, without delay, address ourselves to the Honorable Congress of the United States, through whom those communications have been made to us, and we trust it will fully appear, that a veneration for the Prince, whose servant he is, respect to your interposition, justice to him, and a due regard to the rights and interests of this State, have influenced our determination.

We observe all the papers respecting this transaction have been transmitted to you, except a resolution of this Board passed on the 14th instant, which, probably, by some accident has been omitted. I have now the honor of enclosing it, that every proceeding may be fully before you.

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Signed in and by order of Council.

JOSEPH REED, *President.*

In Congress. On the 4th of August the committee to whom was referred the Memorial of the Minister, relative to the ship Mary and Elizabeth's cargo, delivered in a report, whereupon,

Resolved, That Congress do not entertain any suspicion, that M. Holker, agent of the marine of his Most Christian Majesty, had any participation in, or knowledge of, the shipping of provisions on private account on board vessels despatched in the name of his Most Christian Majesty.

Resolved, That frauds by masters and shippers are offences against the municipal laws, and are to be investigated by the magistrates of the States respectively.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 5th, 1779.

Sir,

I have received with gratitude the resolution of Congress, which you were so kind as to send me yesterday. I express my sentiments on this subject in the annexed Memorial, which I request you to be pleased to lay before Congress.

I have the honor to be, with the greatest respect, Sir, your most obedient and humble servant,

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 5th, 1779.

Sir,

The Minister Plenipotentiary of France is eager to thank Congress for the readiness with which they have been pleased to yield to his representations of the 26th of last month.

The resolutions, which have been communicated to the undersigned in the name of Congress, appear to him to leave nothing to be desired; he only hopes that the public will be informed of the opinions of Congress, in whatever form they shall think the most suitable; and the Minister Plenipotentiary is persuaded, that his Court will regard the said resolutions as a suitable and sufficient satisfaction for the proceedings which they condemn, and the offence which has resulted from them.

It is under this impression, that the undersigned Minister takes the liberty to request Congress not to carry into execution that one of their resolutions which orders, that those who on this occasion may have violated the laws of nations shall be prosecuted. The King's greatness of mind forbids his Minister to insist upon such a measure. Between nations closely connected by the most powerful motives of friendship and interest, even the most lawful reparations ought always to stop short of revenge. It is sufficient to undeceive the public, and to restrain the evil-disposed men, who sometimes conceal themselves under the pretence of the common good. The said Minister, consequently, earnestly requests Congress to stop the said prosecutions, and he dares hope this from the moderation of Congress, provided that motives foreign to France and independent of the present affair do not cause this august body, or the Executive Council of Pennsylvania, to see in this indulgence inconveniences, which are out of the sphere of the undersigned Minister.

GERARD.

In Congress, August 9th, 1779.

Resolved, that the Minister of France be informed, that the resolutions alluded to in his Memorial of the 5th instant will be published in the journals of Congress, and that in the meantime he consider himself at liberty to make such use of the copies transmitted to him, as he may think expedient.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 11th, 1779.

Sir,

It is with the greatest regret that I learn, that the attempt made at Martinique to obtain military stores has been fruitless. You will see the reasons of it in the letter of the Marquis de Bouillé, which I have the honor to send you. Nothing but the impossibility of the thing could prevent the servants of the King from rendering all possible services to the American cause, and compel them to delay complying with the requests of Congress.

I have the honor to be, with the greatest respect, Sir, your most humble and most obedient servant.

GERARD.

THE MARQUIS DE BOUILLÉ TO M. GERARD.

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Translation.

Martinique, July 11, 1779.

Sir,

I have received the letter, which you did me the honor to write on the 8th of June, in which you inform me of Congress' want of powder. I am very sorry that the supplies for this colony, which are much less than they ought to be, will not permit me to furnish any to the United States of America. The immense and unforeseen consumption occasioned by Count d'Estaing's fleet, and his unhappy expedition against St Lucia, have laid me under the necessity of purchasing up all the powder in the hands of merchants to the amount of fifty thousand pounds, and you must be sensible, that nothing but the most urgent necessity could have induced me to go to such expense on account of the King, at a time when I am in so much want of money. Mr Bingham who is here, an agent of Congress, will be able to purchase lead of the merchants. As to arms, they are become scarce.

I have the honor to be, &c.

BOUILLÉ.

P. S. I beg of you, Sir, to use all your efforts, that we may receive as much provisions as possible before the month of November next at farthest, and cause them to be addressed to me either at Fort Royal, at St Pierre, or at Trinité in this Island, and that you would not let the price of freight prevent you. You will thereby do us the most essential service.

In Congress, August 23d, 1779.

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Resolved unanimously, that a committee consisting of one member from each State be appointed to congratulate the Minister of France on the anniversary of the birth of his Most Christian Majesty, and to assure him that the pleasure, which we feel on this occasion, can be estimated by those only who have a just sense of the extensive blessings, which many nations have already derived from his wisdom, justice, and magnanimity, and of the prospect of general happiness to mankind through the influence of his Majesty's virtuous exertions and glorious example.

M. GERARD TO THE COMMITTEE OF CONGRESS.

Translation.

Philadelphia, August 23d, 1779.

Gentlemen,

The manner in which Congress are pleased to express their sentiments on the occasion of the anniversary of the birth of the King, my master, is a mark of their friendship and respect for his Majesty. Your expressions are truly worthy of a faithful ally, and I dare assure you, that the account, which I shall render to his Majesty of them, will be in the highest degree agreeable to

THE COUNT DE VERGENNES TO M. GERARD.

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In Congress, September 7th. The President laid before Congress a paper of intelligence, which he received from the Minister Plenipotentiary of France, and which is as follows, being an extract of a letter from Count de Vergennes to M. Gerard, dated Versailles, June 29th, 1779.

Translation.

"Sir,

"The decision of Spain is public. Her Ambassador quitted London on the 18th of this month; he is now at Paris. Her forces are on their march to join with ours. The junction made, they will endeavor to inflict on England a blow sufficiently heavy to force her to acknowledge the independence of America. To free herself if possible from this hard necessity, and to procure herself the power of opposing at some future time a nation, which she will not without great reluctance consent to free from the servitude, which she wished to impose upon them, it seems that she has sent two emissaries to Congress with the offer of a truce, and even with power to withdraw all the English forces, if America will determine to give up our alliance, and to separate herself from us.

"I do not imagine that this treachery can even enter into the mind of Congress, but if they should be enticed by the love of peace, a single reflection ought to stop it. As soon as England shall have proved the defection, she can settle her affairs with us, and we shall have no reason to refuse to do it; she will then fall upon America with the whole mass of her power, very certain that no nation in Europe will afterwards take any interest in a nation, which shall have signalized its birth by the most unworthy cowardice of which a government can be guilty. I am persuaded, Sir, that this reflection seasonably presented, will be of great effect. There are many other reflections, which certainly will not escape your wisdom."

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TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, September 15th, 1779.

Sir,

The Minister Plenipotentiary of France has the honor to inform the Congress of the United States of America, that he has appointed Mr James Wilson Attorney-General of the French nation, in order that he may be intrusted with all causes and matters relative to navigation and commerce. The said Minister thought it proper to communicate this proceeding to Congress.

GERARD.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, September 15th, 1779.

Sir,

The Minister Plenipotentiary of France, who is preparing to depart immediately, has the honor to request the Congress of the United States to be pleased, in the course of the week, if it be not inconvenient, to grant him an audience for the purpose of taking leave of Congress.

GERARD.

In Congress, September 15th, 1779.

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Resolved, That Friday next be assigned for granting a private audience to M. Gerard, Minister

Plenipotentiary of France, in order to his taking leave.

Resolved, That this private audience be in full Congress.

Friday, September 17th. Resolved, That two members be appointed to introduce the Minister to the private audience.

The Minister being introduced, took his leave in the following speech.

M. GERARD'S SPEECH ON TAKING LEAVE OF CONGRESS.

Translation.

"Gentlemen,

"The King, my master, having been pleased to accept the representations, which my bad state of health compelled me to make to him, has permitted me to return. At the same time he has been in haste to send another Minister Plenipotentiary to America, in order that there may be no interruption in the care of cultivating the mutual friendship. I must leave it to the talents of the Chevalier de la Luzerne to explain to you his Majesty's sentiments, and will confine myself here, Gentlemen, to expressing to you the satisfaction I shall experience in giving an account to him of the events, of which I have been a witness during more than a year's residence with you. He will perceive in them the sentiments, which animate and direct your counsels, your wisdom, your firmness, your attachment to the alliance, and your zeal for the prosperity of the common cause and of the two respective nations. He will see, with pleasure, the valuable union, which constitutes the principal force and power of confederated America, that not only the citizens are in no want of zeal or vigor to repel the incursions, which henceforth can have no other object than a barbarous devastation, but also that there is no American, who does not perceive the necessity of uniting to humble the common enemy more and more, and to weaken him by efforts proportionate to the importance of putting a happy end to a glorious revolution, and also of securing to confederated America, by a firm and honorable peace, as quickly as possible, the inestimable advantages of liberty and independence, which form the essential and fundamental object of the alliance, and of the war provoked and made necessary by England.

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"It remains to me, Gentlemen, to offer you in general and individually, the tribute of my gratitude for the marks of confidence and esteem, and for the attentions which I have received from you. I have always endeavored to deserve them by the most sincere and lively attachment to the interests and to the dignity of the United States, as well as to the principles and sentiments resulting from the alliance. I have not lacked zeal for everything that might relate to them, and cement more and more the connexions, whether political or personal, between the two nations. The most flattering recompense of my labors would be the expression of your satisfaction.

GERARD."

REPLY OF THE PRESIDENT OF CONGRESS TO M. GERARD'S SPEECH ON HIS TAKING LEAVE.

"Sir,

"We receive with much concern the intimation you have given us, that the bad state of your health obliges you to leave America; though, at the same time, we are sensible of the continued friendly care of his Most Christian Majesty in sending a new Minister Plenipotentiary to these States.

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"Great as our regret is in thus parting with you, yet it affords us pleasure to think how well disposed you are to improve the favorable opportunities you will have on your return to France, of evincing to his Majesty the reality of those sentiments on our part, which may justly be termed the animating principles of the United States.

"By such representations, the King will be assured that the citizens of these States observe with the most lively satisfaction the repeated instances of his amity for them; that they regard the alliance as an inestimable connexion, endeared to them by the purity of the motives on which it was founded, the advantages derived from it, and the blessings it promises to both nations; that their resolution of securing its essential objects, liberty and independence, is unalterable; that they are determined, by all the exertions in their power, to advance the common cause, and to demonstrate, that while they are attentive to their own interests, they as ardently desire to approve themselves not only faithful, but affectionate allies.

"By a residence of more than a year near Congress, you are enabled to form a competent judgment of the difficulties we have had to encounter, as well as of our efforts to remove them.

"Sir, we should be deficient in the respect due to distinguished merit, if we should fail to embrace this opportunity of testifying the high esteem, which you have obtained throughout this country by your public and private conduct. You have happily combined a vigilant devotion to the dignity and interest of our most excellent and illustrious ally, with a zealous attachment to the honor and

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welfare of these States.

"Your prudence, integrity, ability, and diligence in discharging the eminent trust reposed in you, have secured our entire confidence, and now solicit from us the strongest declarations of our satisfaction with your behavior.

"That you may be blessed with a favorable voyage, the approbation of your sovereign, the perfect recovery of your health, and all happiness, is among the warmest wishes of every member of this body.

"By order of Congress,

JOHN JAY, *President.*"

CONGRESS TO THE KING OF FRANCE.

Great, Faithful, and Beloved Friend and Ally,

The conduct of your Majesty's Minister, M. Gerard, during his residence in America, has been in every respect so commendable, that we cannot forbear testifying to your Majesty our sense of his merit, without feeling that uneasiness which arises from a neglect of the obligations of justice.

His behavior appears to us to have been uniformly regulated by a devotion to your Majesty's dignity and interest, and an adherence to the terms and principles of the alliance, while, at the same time, he demonstrated his attachment to the honor and prosperity of these States.

Thus serving his sovereign, he acquired our entire confidence and esteem, and has evinced your royal wisdom in selecting a person so properly qualified to be the first Minister sent to the United States of America.

That the Supreme Ruler of the universe may bestow all happiness on your Majesty, is the prayer of your faithful and affectionate friends and allies.

Done at Philadelphia, the seventeenth day of September, in the year of our Lord one thousand seven hundred and seventynine, by the Congress of the United States of America.

JOHN JAY, *President.*

In Congress, September 25th, 1779.

The committee to whom was referred the paper of intelligence communicated by M. Gerard, on the 7th instant,^[27] reported the draft of a letter in answer to the said communication, which was read as follows;

"Sir,

"The sentiments contained in the paper laid before Congress on the 7th instant have given us great uneasiness, as they admitted the possibility of an event, which we cannot contemplate without pain and regret. Nevertheless, as they demonstrate the anxieties of a faithful friend, Congress are willing again to testify their unalterable attachment to the terms and principles of the alliance, more especially as we wish you on leaving America to take with you a solemn assurance of our fixed dispositions.

"Reposing ourselves upon that Almighty power, whose interposition in our behalf we have often seen and adored, confident of the unanimity and zeal of our fellow-citizens throughout these States, assured of the assistance and support of our great ally, relying that the good and brave everywhere regard our cause with interested attention, we firmly repeat what we have already declared, that no offer of advantage, however great and alluring, no extremes of danger, however alarming, shall induce us to violate the faith we have given and the resolutions we have adopted, for the observance of which we have solemnly pledged our lives, our fortunes, and our sacred honor."

After debate, Ordered, that the President return the following answer;

"Sir,

"Congress feel themselves obliged by your communication of the 7th instant, and are happy that M. Gerard will be able to contradict from the fullest evidence every insinuation, which may be made prejudicial to the faith and honor of the United States."

FOOTNOTE:

THE

CORRESPONDENCE

OF

C . A . D E L A L U Z E R N E ;

MINISTER PLENIPOTENTIARY FROM FRANCE TO THE UNITED STATES.

Caesar Anne de la Luzerne succeeded M. Gerard as Minister Plenipotentiary from France to the United States. He had previously been employed in a diplomatic capacity, and with much success, in Bavaria, which he left in July, 1778. He was soon after appointed to supply the place of M. Gerard, and arrived in Philadelphia on the 21st of September, 1779. As his predecessor was still discharging the functions of his office, the Chevalier de la Luzerne did not receive his first audience of Congress till the 17th of November.

From that time to the end of the war he applied himself sedulously to the duties of his station, and by the suavity of his manners, as well as by the uniform discretion of his official conduct, he won the esteem and confidence of the American people. His efforts were all directed to the support of the alliance, on the principles of equity, and the broad basis of reciprocal interests established in the treaties.

After remaining in the United States more than five years, he obtained permission to visit France, although he did not then resign his commission as Minister. A few months afterwards, however, he wrote to Mr Jay, then Secretary of Foreign Affairs, that, being designed by the King for another appointment, his character as Plenipotentiary to the United States had ceased. M. Barbé Marbois, who had been the Secretary of Legation during the whole of M. de la Luzerne's residence in America, succeeded him as *Chargé d'Affaires*.

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The Chevalier de la Luzerne accepted the appointment of Ambassador from France to the Court of London, in January, 1788. He remained there till his death, which happened on the 14th of September, 1791, at the age of fifty years.

THE

CORRESPONDENCE

OF

C . A . D E L A L U Z E R N E .

**SUBSTANCE OF A CONFERENCE BETWEEN M. DE LA LUZERNE AND
GENERAL WASHINGTON AT HEAD QUARTERS, WEST POINT. [28]**

September 16th, 1779.

The Minister opened the conference by observing, that the Council of Massachusetts had represented to him the disadvantages, which their commerce was likely to suffer from the late misfortune in Penobscot, and the advantages which would result if his Excellency, Count d'Estaing, could detach a few ships of the line and frigates to be stationed upon their coast for protecting their commerce, and countenancing the operations of their cruisers against that of the enemy. But before he should propose such a measure to Count d'Estaing, he wished to know from the General, what purposes the detachment would answer to his military operations, and whether

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it would enable him to prosecute any offensive enterprise against the enemy. That if he could accompany the request of the Council with assurance of this kind, a motive of such importance would have the greatest influence in determining the concurrence of Count d'Estaing, and might the better justify him in deranging or contracting his plans in the West Indies, by making a detachment of his force.

The General answered, that if Count d'Estaing could spare a detachment superior to the enemy's naval force upon this continent, retaining such a force in the West Indies, as would put it out of the enemy's power to detach an equal force to this continent without leaving themselves inferior in the Islands, the measure would have a high probability of many important and perhaps decisive advantages; but these would depend upon several contingencies; as the time in which the detachment can arrive, and the position and force of the enemy when it arrives. That the season proper for military operations was now pretty far advanced, and to make a winter campaign would require a disposition of our magazines peculiar to it, which could not be made without a large increase of expense, a circumstance not to be desired in the present posture of our affairs, unless the arrival of a naval succor was an event of some certainty. That with respect to the position and force of the enemy, they had now about fourteen thousand men at New York and its dependencies, and between three and four thousand at Rhode Island; that to reduce the former, if it should be concentrated on the Island, would require extensive preparations beforehand, both as to magazines and aids of men, which could not with propriety be undertaken on a precarious expectation of assistance. But that if the garrison of Rhode Island should continue there, we should have every reason to expect its reduction by a combined operation; it might, however, be withdrawn; he added, that the enemy appear to be making large detachments from New York, which the present situation of their affairs seems to exact; that there is a high probability of their being left so weak as to give us an opportunity, during the winter, of acting effectually against New York, in case of the arrival of a fleet to co-operate with us, even with the force we now have and could suddenly assemble on an emergency; that, at all events, the French squadron would be able to strike an important stroke, in the capture and destruction of the enemy's vessels of war, with a large number of transports and perhaps seamen.

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He concluded with observing, that though in the great uncertainty of the arrival of a squadron, he could not undertake to make expensive preparations for co-operating, nor pledge himself for doing it effectually, yet there was the greatest prospect of utility from the arrival of such a squadron, and he would engage to do everything in his power for improving its aid, if it should appear upon our coast; that if the present or future circumstances should permit Count d'Estaing to concert a combined operation with the troops of these States against the enemy's fleets and armies within these States, he would be ready to promote the measure to the utmost of our resources, and should have the highest hopes of its success; it would, however, be necessary, to prevent delay and give efficacy to the project, that he should have some previous notice.

The Minister replied, that the General's delicacy upon the occasion was very proper, but as he seemed unwilling to give assurances of effectual co-operation, in conveying the application to the Admiral he would only make use of the name of the Council, which would, no doubt, have all the weight due to the application of so respectable a body.

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The General assented, observing, that occasional mention might be made of the military advantages to be expected from the measure.

The Minister next informed the General, that there had been some negotiations between Congress and M. Gerard, on the subject of the Floridas and the limits of the Spanish dominions in that quarter, concerning which, certain resolutions had been taken by Congress, which he supposed were known to the General. He added, that the Spaniards had in contemplation an expedition against the Floridas, which was either already begun or very soon would be begun, and he wished to know the General's opinion of a co-operation on our part; that it was probable this expedition would immediately divert the enemy's force from South Carolina and Georgia, and the question then would be, whether General Lincoln's army would be necessary elsewhere, or might be employed in a co-operation with the Spanish forces. That the motive with the French Court for wishing such a co-operation was, that it would be a meritorious act on the side of the United States towards Spain, who, though she had all along been well disposed to the revolution, had entered reluctantly into the war and had not yet acknowledged our independence; that a step of this kind would serve to confirm her good dispositions, and to induce her not only to enter into a treaty with us, but, perhaps, to assist with a loan of money. That the forces of Spain in the Islands were so considerable, as would in all appearance make our aid unnecessary; on which account the utility of it, only contingent and possible, was but a secondary consideration with the Court of France; the desire to engage Spain more firmly in our interests, by a mark of our good will to her, was the leading and principal one.

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The General assured the Minister, that he had the deepest sense of the friendship of France, but replied to the matter in question, that he was altogether a stranger to the measures adopted by Congress relative to the Floridas, and could give no opinion of the propriety of the co-operation proposed in a civil or political light; but considering it merely as a military question, he saw no objection to the measure, on the supposition that the enemy's force in Georgia and South Carolina be withdrawn, without which it would, of course, be impossible.

The Minister then asked, in case the operation by the Spaniards against the Floridas should not induce the English to abandon the Southern States, whether it would be agreeable that the

forces, either French or Spanish, employed there, should co-operate with our troops against those of the enemy in Georgia and South Carolina.

The General replied, that he imagined such a co-operation would be desirable.

The Minister inquired in the next place, whether in case the Court of France should find it convenient to send directly from France a squadron and a few regiments attached to it, to act in conjunction with us in this quarter, it would be agreeable to the United States.

The General thought it would contribute much to advance the common cause.

The Minister informed us, that Dr Franklin had purchased a fifty gun ship, which the King of France intended to equip for the benefit of the United States, to be sent with two or three frigates to Newfoundland to act against the enemy's vessels employed in the fishery, and afterwards to proceed to Boston to cruise from that port. 366

He concluded the conference with stating, that in Boston several gentlemen of influence, some of them members of Congress, had conversed with him on the subject of an expedition against Canada and Nova Scotia; that his Christian Majesty had a sincere and disinterested desire to see those two Provinces annexed to the American Confederacy, and would be disposed to promote a plan for this purpose; but that he would undertake nothing of the kind unless the plan was previously approved and digested by the General. He added, that a letter from the General to Congress some time since, on the subject of an expedition to Canada, had appeared in France, and had been submitted to the best military judges, who approved the reasoning, and thought the objections to the plan, which had been proposed, very plausible and powerful. That whenever the General should think the circumstances of this country favorable to such an undertaking, he should be very glad to recommend the plan he should propose, and he was assured that the French Court would give it all the aid in their power.

The General again expressed his sense of the good dispositions of his Christian Majesty, but observed, that while the enemy remain in force in these States, the difficulties stated in his letter alluded to by the Minister would still subsist; but that whenever that force should be removed, he doubted not it would be a leading object with the government to wrest the two aforementioned Provinces from the power of Britain; that in this case, he should esteem himself honored in being consulted on the plan; and was of opinion, that though we should have land force enough for the undertaking, without in this respect intruding upon the generosity of our allies, a naval co-operation would certainly be very useful and necessary. 367

The rest of the conference consisted in mutual assurances of friendship of the two countries, &c. interspersed on the General's side with occasional remarks on the importance of removing the war from these States, as it would enable us to afford ample supplies to the operations in the West Indies, and to act with efficacy in annoying the commerce of the enemy, and dispossessing them of their dominions on this continent.

Head Quarters, September 18th, 1779.

The foregoing is, to the best of my recollection, the substance of a conference at which I was present at the time mentioned, and interpreted between the Minister and the General.

A. HAMILTON.

FOOTNOTE:

[28] The Chevalier de la Luzerne arrived at Boston on the 2d of August, and on his way to Philadelphia visited General Washington at West Point. Hence this conference took place before his public introduction to Congress as Minister Plenipotentiary.

RECEPTION OF THE FRENCH MINISTER BY CONGRESS. [29]

In Congress, November 17th, 1779.

According to order the Chevalier de la Luzerne was introduced by Mr Mathews and Mr Morris, the two members appointed for that purpose; and being seated in his chair, the Secretary of the Embassy delivered to the President a sealed letter from his Most Christian Majesty, in the terms following;

THE KING OF FRANCE TO CONGRESS.

"To our dear great Friends and Allies, the President and Members of the General Congress of the United States of North America.

Very Dear Great Friends and Allies,

"The bad state of health of M. Gerard, our Minister Plenipotentiary to you, having laid him under the necessity of applying for a recall, we have made choice of the Chevalier de la Luzerne, a Colonel in our service, to supply his place. We have no doubt, that he will be agreeable to you, and that you will repose entire confidence in him. We pray you to give full credit to all he shall say to you on our behalf, especially when he shall assure you of the sincerity of our wishes for your prosperity, as well as the constancy of our affection and our friendship for the United States in general, and for each one of them in particular. We pray God to keep you, our very dear great friends and allies, in his holy protection.

"Done at Versailles, the 31st of May, 1779.

"Your good friend and ally,

LOUIS."

The Minister being announced, he addressed Congress in the following speech.

Translation.

"Gentlemen,

"The wisdom and courage, which have founded your Republic, the prudence which presides over your deliberations, your firmness in execution, the skill and valor displayed by your Generals and soldiers during the course of the war, have attracted the admiration and regard of the whole world. 369

"The King, my master, was the first to acknowledge a liberty acquired amidst so many perils and with so much glory. Since treaties dictated by moderation have fixed upon a permanent basis the union of France with the American Republic, his Majesty's whole conduct must have demonstrated how dearly he cherishes your prosperity, and his firm resolution to maintain your independence by every means in his power. The events, which have successively unfolded themselves, show the wisdom of those measures. A powerful ally has acknowledged the justice of those motives, which had compelled the King to take arms, and we may reasonably hope for the most solid success from the operations of the united fleets. The naval force of the enemy has been diverted from your continent, compelled to flee to the defence of their own possessions. All their efforts have been too feeble to prevent our troops from conquering a considerable part. Other British Islands feared the same lot, when the French General stopped the current of his success to seek new dangers here. In conforming to his Majesty's intentions, he has acceded to his own inclinations, to the desires of the French, and to the request of the Americans, who invited him to join his arms to those of your Republic. Events have not completely answered his courage and his efforts, but his blood and that of my countrymen, shed in a cause so dear to us, has cemented the basis on which the alliance is founded, and impressed on it a character as indelible as are all those by which it is already consecrated. 370

"That alliance, Gentlemen, becomes daily more indissoluble, and the benefits, which the two nations derive from it, have given it the most perfect consistency.

"The relations of commerce between the subjects of the King, my master, and the inhabitants of the Thirteen United States, continually multiply, and we may already perceive, in spite of those obstacles, which embarrass the reciprocal communication, how natural it is, how advantageous it will be to the two nations, and all who participate in it, and how much the monopolising spirit, the jealous attention and prohibitory edicts of the enemy to your freedom, have been prejudicial to your happiness. It is under these circumstances, Gentlemen, that the King has been pleased to appoint me his Minister Plenipotentiary to your Republic. You have seen in the letter, which I had just now the honor to deliver from him, fresh assurances of his friendship. I consider as the happiest circumstance of my life a mission, in the course of which I am certain of fulfilling my duty, when I labor for your prosperity, and I felicitate myself upon being sent to a nation, whose interests are so intimately blended with our own, that I can be useful neither to France nor the American Republic, without rendering myself agreeable both to the one and the other.

"It was certainly desirable that the affairs with which I am charged had remained in the hands of that enlightened Minister, whom I succeed, and whose health compels him to return to France. I have not his abilities; but like him, I have an unbounded zeal for the welfare and success of the common cause. Like him, I am directed to concur in everything, which can be useful or agreeable to your Republic. I have the same attachment to the people whom you, Gentlemen, represent, and the same admiration of their conduct. I have the most fervent wish to give you the proof of it; and I hope by these different titles to merit your confidence and your esteem. 371

LUZERNE."

The translation of the foregoing speech being read to the House by the Secretary of Congress, the President returned the following answer.

"Sir,

"The early attention of our good friend and ally to these United States is gratefully felt by all their virtuous citizens, and we should be unfaithful representatives if we did not warmly acknowledge

every instance of his regard, and take every opportunity of expressing the attachment of our constituents to treaties formed upon the purest principles.

"His Most Christian Majesty, in rendering himself a protector of the rights of mankind, became entitled to assistance from the friends of man. This title could not but be recognised by a monarch, whose diadem is adorned with equity and truth. That monarch, by joining his arms to those of our great ally, has given a fatal blow to the common enemy, and from the justice of the motives which unite the combined fleets, we expect the most solid benefits will crown their operations. Nor can we doubt that other powers will rejoice to see that haughty nation humbled, in proportion as they have been insulted by her presumptuous arrogance. We well know, and all the world must acknowledge, the moderation and friendship of the Most Christian King, in neglecting conquests which courted his acceptance, for the benevolent pleasure of succoring his allies. In this, as in every other instance, we perceive his strict adherence to the principles of our defensive alliance. We are sensible of the zeal of the French General in executing his Majesty's orders. We esteem his courage, we lament his wounds, and we respect that generous valor, which has led your countrymen to contend with ours in the same common cause in the same field of glory; a noble emulation, which has poured out the blood of the two nations and mingled it together as a sacred pledge of perpetual union.

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"The consequences, which have followed from the appearance of the French fleet upon our coasts, particularly by disconcerting the enemy's plans of operations, and destroying a considerable part of their naval force, demonstrate the wisdom of the measure. That they have not been still more beneficial is to be attributed to those incidents, which in the hand of Providence determine all human events. But our disappointment is compensated by reflecting on the perfect harmony, that subsisted between the Generals and the troops of the two nations.

"The prosperous course of this campaign gives a pleasing hope that the moment of peace may soon arrive, when the reciprocation of mutual good offices shall amply recompence our mutual labors and cares, and we doubt not but in that moment the commerce between the allied nations, now struggling under great inconveniences, will shoot forth with vigor and advantage, and happily demonstrate the injuries we once suffered from the restraints of our enemies.

"While we lament, Sir, the loss of your worthy predecessor, we are led from your personal character to the pleasing expectation, that you will possess that confidence and esteem which he enjoyed. They are due to the servant of our benefactor; we are happy in his choice, and being thoroughly convinced of the intimate connexion between the interests and views of the allied nations, we cannot but persuade ourselves, that the more attentively you shall perform your duty to your Sovereign, and the more sedulously you shall guard and promote the welfare of your country, the more agreeable and respectable you will render yourself to the citizens of America.

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SAMUEL HUNTINGTON,
President."

FOOTNOTE:

- [29] The ceremonial of the introduction of M. de la Luzerne to Congress was the same, as had been adopted in the case of M. Gerard. See the *Correspondence of M. Gerard*, above, p. 245.
- [30] Mr John Adams came over from France in the same ship with M. de la Luzerne, and the Secretary of Legation, M. de Marbois. See his account of these gentlemen in *John Adams's Correspondence*, Vol. IV p. 310.

DON JUAN MIRALLES TO M. DE LA LUZERNE.

Translation.

Philadelphia, November 25th, 1779.

Sir,

I had the honor of communicating to you on the 22d instant two letters, which I received from the Governor-General of the Island of Cuba, dated the 13th and the 22d of July last. He informs me by order of the King, my master, that the declaration of war against the King of Great Britain, made by his Majesty, was solemnly published at Havana, on the 22d of the said month of July, and he requests me to ask for the co-operation of the United States of America in the measures, the substance of which I am now to have the honor of recalling to your recollection.

The Honorable Congress having formerly proposed to lay siege to the town of St Augustine in East Florida, in order to restore it, in case of success, to the troops of his Catholic Majesty, I am ordered to urge the said Congress to direct the arms of the United States against that place, in

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the hope that this diversion will give powerful assistance to those, which the forces of the King have made by their attack on Pensacola; and that consequently, the English troops may be more readily driven from the territory of the American Republics. I am to inform the Governor-General of Havana, at what time the Honorable Congress will be able to undertake this conquest, as well as what land and naval forces that body will be able to employ in effecting it; in order that the Spanish Generals may arrange their operations agreeably to the information, which I shall transmit to them.

I am also ordered to invite the Honorable Congress to undertake the conquest of the territory and the possessions held by the English to the northeast of Louisiana; and as the Governor of that province may by his experience contribute greatly to the success of such an enterprise, he is desirous of knowing the plan of operations, which Congress will adopt in this affair, in order that on his part he may second it by every effort in his power.

The Governor-General of Havana is desirous of knowing the quantity and kind of provisions, productions, and supplies, with which the United States of America will be able to assist Havana, and the Island of Cuba, as well as the other possessions of his Majesty in America, in order that he may decide according to such information, upon the measures to be adopted for procuring his supplies of provisions.

I had yesterday the honor of communicating these various requests to the Honorable Congress, which body was pleased to appoint three of its members to confer with me upon them. They declared, Sir, that they should be much gratified to see my proposals supported by you; and I entreat you to be pleased by your intervention to give all requisite weight to the importance of these great objects.

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The sending as soon as possible, of such forces and stores as Congress shall think proper, is of the greatest consequence. Of equal importance are the means of securing their arrival at their place of destination, with all the security which circumstances will allow. It is then desirable, Sir, that you would have the kindness to persuade the Count de Grasse to be pleased to take them on board of his squadron, and to conduct them under his convoy to South Carolina or Georgia; and the deputies of Congress have desired me to make this request of you. I have answered them, in consequence of the communications, which you have been pleased to make to me, that you had already made some overtures to that commander, in relation to the operations in which he might engage, and that you were now expecting his answer.

The interests of our Sovereigns, Sir, are so closely connected, the independence and welfare of United America are objects so dear and so important to you, that I have no doubt you will use all efforts to secure a compliance with the requests, which I have the honor to make of you in the name of the King, my master, and on the success of which depends, in a great degree, the success of the general operations of the allied powers.

I have the honor to be, &c.

DON JUAN DE MIRALLES.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, November 26th, 1779.

Sir,

The Minister Plenipotentiary of France has the honor of communicating to the Congress of the United States, a letter of Don Juan de Miralles, containing sundry propositions, which appear to him to deserve the most serious attention. Although the Chevalier de la Luzerne has no instructions from his Catholic Majesty, he is too sensible of the good understanding and intimate connexion subsisting between the Courts of Versailles and Madrid, not to recommend these overtures in the most pressing manner to the consideration of Congress.

The great design is to act against the common enemy, and the more pains that are taken to unite the strokes aimed against them, the more certain will be their effects. As to what regards the concurrence of the royal fleet in the operations proposed, the underwritten has the honor to observe, that he is entirely uninformed touching the part it will be able to take. He has, however, written a letter to the Count de Grasse, which that commander will receive on his arrival at Hampton. As soon as the underwritten shall have received an answer, and the necessary information, he will take the earliest opportunity of communicating them to such of the delegates as Congress shall be pleased to appoint.

LUZERNE.

Translation.

Philadelphia, December 6th, 1779.

Sir,

The undersigned Minister Plenipotentiary of France has the honor of informing Congress, that he has received from St Domingo intelligence of the capture of the Greyhound, by eight American sailors. He annexes a summary of some facts relative to this capture.

In the terms of the intelligence, given on the 4th of August, of the present year, by the officers of the Admiralty of Port Paix, "the eight American sailors, having taken the said schooner, without being provided with any commission, have been sent back before Congress, in order that this affair may be decided in conformity with the laws of their country."

The undersigned Minister is then desirous, that Congress would be pleased to inform him, what use they shall judge proper to make of the thirteen thousand nine hundred and eighty nine livres, ten sols, which remain in the registry of the Admiralty of Port Paix; whether it be thought proper that this sum should be remitted to the agent of Congress at St Domingo, in order that he may transmit it to the eight men interested, in such manner as he shall think fit, or whether Congress shall adopt an entirely different mode of proceeding. The Chevalier de la Luzerne will hasten to communicate to the commandants of the Island of St Domingo, whatever resolution may have been adopted, in order that they may without delay make arrangements accordingly. The undersigned would have wished to spare Congress the detail of this affair, by addressing himself directly to the States of Massachusetts and Rhode Island, in order to ascertain their intentions, but the intelligence upon which the order of the General and Intendant of St Domingo has intervened, obliges the parties to come before Congress; besides, this form is the best adapted to prevent all delays, and to cause this money to arrive promptly at the destination, which shall be determined upon.

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LUZERNE

PRESIDENT OF CONGRESS TO M. DE LA LUZERNE.

In Congress, December 16th, 1779.

Sir,

I am directed to inform you, that Congress in order to testify their attention to the interest of his Catholic Majesty, appointed a commissioner to confer with General Washington on the subject of your letter, accompanying the representation of Don Juan de Miralles,^[31] and though from the result of their conference, they have reason to believe that our grand army cannot be weakened while the enemy retain their present force at New York, without considerable danger, yet they have upon mature deliberation determined rather to incur that danger, than not to comply, as far as is consistent with our circumstances, with the views of his Catholic Majesty, to whom they feel themselves bound by that union of interest, which a common enemy creates, by the favorable disposition manifested by his Catholic Majesty to these United States, and by those ties, which connect the House of Bourbon with the happiness of mankind.

Under these impressions they have ordered a considerable detachment from the grand army to join the troops in Carolina, which, together with the forces already there or on the way, will amount to about four thousand men, exclusive of the militia of the Southern States, whom Congress have called for upon this occasion. Congress have also ordered three of their frigates to Charleston, to be put under the direction of the commanding officer in that department.

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This force they conceive will make so powerful a diversion in favor of his Catholic Majesty's army, as to afford probable hopes of their being crowned with success. You will perceive, Sir, that any other co-operation with the troops of Spain is impossible, while Savannah opposes a barrier to a junction of our force. This, from its present strength, it will not be easy for us to remove, till a more decided superiority in this quarter enables us to transfer a greater proportion of our army thither. Unless, in the meantime, the Governor of Havana shall think proper to furnish such aid, as when joined with the forces of the United States in that quarter, will be sufficient to effect the purposes before mentioned. But as Congress were desirous of extending their views still further, and conceiving the conquest of East Florida to be an object of great importance, as well to his Catholic Majesty, as to these States, they have therefore directed me to inform you, and through you Don Juan de Miralles, by whom the intentions of his Catholic Majesty are communicated, that they have given full power to their General commanding in the Southern department to correspond and concert with the Governor of Havana, or any other person or persons, authorised by his Catholic Majesty for that purpose, such plan as can be agreed upon between them for carrying our views into execution.

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I am, Sir, directed further to inform you, that though Congress cannot promise any considerable quantity of provisions until the army of the United States are supplied, yet as soon as that can be done, every means will be used to furnish provisions for his Catholic Majesty's Islands and fleet. But in the meantime they conceive, that a large supply of rice may be afforded by the State of South Carolina, while Congress will readily aid the agents of Spain in procuring the same.

I have the honor to be, &c.

SAMUEL HUNTINGTON,
President.

FOOTNOTE:

[31] See above pp. [373](#), [375](#).

M. HOLKER TO M. DE LA LUZERNE.

Translation.

Philadelphia, January 10th, 1780.

Sir,

I have the honor of transmitting to you the annexed letter, and copy of a late law of the State of Maryland, which I have this moment received from Mr William Smith, a merchant at Baltimore. As it is of a nature to alarm us in relation to all the operations, which have been concerted in the Islands, or contemplated with respect to other places during the course of the ensuing summer; as, moreover, the vessels and store-ships, which I expect from Martinique, to supply the place of those which were destined by the Count d'Estaing for the Chesapeake Bay, and which the officers of the King have thought it their duty to sacrifice and sell to the State of Carolina, with a view to contribute, as far as lay in their power, to the security and defence of that place; as, I say, these store-ships might arrive immediately, and I might be obliged to send them back in ballast, if the corn and wheat, which I have purchased in Maryland, should be seized, and as, thereby, all my transactions and engagements would not only become uncertain, but might terminate in a manner disgraceful to me, and in the failure of the naval operations of the King in America, I cannot forbear to claim, in the most urgent manner, the influence of your character with the Congress of the United States upon this occasion, while I observe to you, that if the law of Maryland is put in execution in relation to the provisions, which I have collected at a great expense and with every possible precaution, I shall, for the future, be unable to take a single step in the service of the King, and shall be obliged to pay large sums to indemnify those with whom I have made engagements.

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Your Excellency is aware of the innumerable difficulties, which I have experienced since I have been engaged in this country, in the naval service of the King. They seem to multiply every moment, and have become so great that I am compelled to declare to you, that I cannot guaranty or be answerable for the success of the least operation, unless you shall be able most speedily to persuade Congress to take with each and every State in the Union, decisive and effectual measures to cause respect to be shown to my transactions, carried on in the name and on the account of his Majesty; while I repeat my offers to oblige my agents and correspondents to conform to such suitable formalities, as your Excellency shall think proper to prescribe for the general tranquillity and satisfaction.

I am, Sir, &c.

HOLKER.

WILLIAM SMITH TO M. HOLKER.

Baltimore, January 7th, 1780

Sir,

By express I send enclosed a copy of a letter I received yesterday from the Governor and Council of this State, in answer to my application for permission to load the brig Hawk with flour for Cape François, on account of his Most Christian Majesty. You will perceive by this letter, that I am not permitted to proceed in loading this vessel as you direct, nor will any permission for that purpose be granted until the army is supplied.

That the army ought to be supplied, I doubt not you will think right; but that the wheat and flour

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collected in this port should be taken for that purpose, when I presume a sufficient quantity may be had much more convenient to the army and less prejudicial to your interest, you will, probably, conclude is not so convenient, and might, if duly considered, have been avoided. I am well informed that the public purchasers in Harford county have now on hand upwards of three thousand barrels, which, for a wagon at this season of the year, are at least three days nearer camp than this place. Besides, very considerable magazines must be provided on the eastern shore of this State; and it seems to me, that the distresses of our army have arisen more from the want of carriages to convey a sufficient quantity of flour to camp, than from any other cause.

Be that as it may, I find that the Commissioners for this county are determined to lay their hands on all your wheat and flour, and have already seized some of your wheat, and I doubt not but the whole on the eastern and western shores will be taken as soon as they conveniently can do it. Therefore, I thought it my duty to despatch this information to you by express, that you may take such measures in the premises as you judge best. You will see by the enclosed letter, that no relief is to be expected from our Governor and Council. Perhaps an application to Congress may procure a resolve directing your magazines to be spared, by lending some for the present emergency. But that ought to be taken when most convenient for the army, and least prejudicial to you.

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You will please to favor me with a line by return of the bearer, directing whatever steps you may think will be most conducive to the interest of his Most Christian Majesty.

I have the honor to be, &c.

WILLIAM SMITH.

THE PRESIDENT OF THE COUNCIL OF MARYLAND TO WILLIAM SMITH.

In Council, Annapolis, January 6th, 1780.

Sir,

We received your favor of the 3d instant by express. As the grand object of the "Acts for the immediate supply of the army, &c." is to procure an immediate and full supply of provisions for *our* army, it was necessary that the Commissioners should be vested with extraordinary powers, that those powers should be accurately defined, and that the mode to be pursued by them should be plainly delineated; which is done. We do not think that flour or wheat purchased for the Marine of France, privileged or exempted from seizure, and we are certain it was not the intention of the Legislature that those articles should be, because such exemption would, in a great degree, if not wholly, frustrate the design of the law.

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We deem it our duty to afford the Commissioners every aid in our power to facilitate the execution of the law, and, therefore, cannot at this time grant permission to export flour or wheat purchased by the agents of France; because we should thereby restrain that extensive operation of the act, by which alone we can obtain an immediate supply adequate to our pressing wants. We are sensible, that it is of importance that the Marine of France should be furnished with flour, and it is with the utmost regret that we have refused permission, and nothing could have induced us to do it, but the alarming and distressful situation of our army; and when we have assurances that their wants are relieved, we shall with pleasure grant license as heretofore.

The numerous evils, that would result from procrastinating the supplies when contrasted with the inconveniences alluded to by you, will, we trust, evince the propriety of our conduct and justify our refusal.

We are, with respect, Sir, &c.

J. T. CHASE, *President of the Council.*

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 10th, 1780.

Sir,

The undersigned Minister Plenipotentiary of France, has just received from M. Holker a letter, of which a copy is annexed, in relation to a law, passed by the State of Maryland, to authorise the Commissioners therein named to seize the grain, corn, and rice, which may be found stored in the hands of individuals in that State, and to carry them away. It is to be presumed, that if the

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General Assembly of Maryland had been informed of the measures taken, at a great expense, to procure supplies for the fleets of his Majesty and for his garrisons in the French Islands, and of the pressing wants which they suffer, they would have excepted from this law the provisions found in the hands of Mr Smith.

The undersigned is about to take suitable measures for inducing the government to refrain from seizing the said provisions, and to replace them in case that they are already seized. He earnestly entreats Congress to be pleased, on its part, to recommend to the Councils and Assemblies of the Thirteen States to refrain, in circumstances of this nature, and in all other cases, from all measures which may cause any uncertainty in the operations of the King's Navy Agents, endanger the success of the plans of the campaign, and expose to want and to the greatest inconveniences the garrisons of the French Islands, the governors of which are previously informed of the measures taken to procure supplies for them in the United States, and in concert with Congress and the respective governments of the States.

The present juncture being of a very pressing nature, the undersigned entreats Congress to be pleased to come to a decision on this subject as quickly as possible. He, moreover, proposes to the Council of Maryland to subject the agents and Commissioners, charged with making purchases on account of his Majesty, to all the legal forms best adapted to prevent every kind of abuse on their part; and he is desirous that the States, in which purchases of this nature may be made, should be pleased to take similar measures.

LUZERNE.

TO GEORGE WASHINGTON.

Translation.

Philadelphia, January 23d, 1780.

Sir,

Advices recently received from Europe make mention of the efforts, which the English have made in Germany to procure recruits and new levies, and of the difficulty they have experienced even on the part of those Courts with whom they had before treated. The greatest part of the German Princes, who have sold soldiers to the Court of London, now blush at these sales, which have excited their subjects against them, and which besides have drained their States. They are reluctant to give troops to a power, that is making war against France, with whom they have always preserved amicable ties, and I am assured, that it is even doubtful whether the English will be able to procure a few recruits to complete the corps they have in America.

I am informed, that these circumstances have determined the British government to make every effort to obtain men in America, whom they cannot procure in Europe, and that Mr Clinton has received orders to spare no pains to effect the exchange or deliverance of the troops of the Convention of Saratoga, and of other prisoners, who are in the hands of the Americans. It is added, that the want of the Court of London for soldiers is so pressing, that General Clinton has been authorised to surmount all the difficulties, which may arise in the negotiation of this exchange, and that he is even permitted in case of absolute necessity to treat with Congress, or their Ministers, on terms of perfect equality, and as with an independent power. He has also equally full liberty to agree upon the number of private soldiers, who may be given in exchange for an officer of any rank whatsoever; and they order him simply to remember in treating of this matter, that an English soldier transported to America is of an infinite price to England, and they exhort him to employ all his efforts to bring about an exchange whatever may be the conditions.

I hasten to communicate these interesting ideas to Congress, and I have learned, that they were confirmed by the event, and that Major General Phillips had in effect drawn on a negotiation, the progress of which had been entirely confided to your Excellency. They prayed me at the same time to send you a communication of these objects, which the Congress think ought greatly to influence the measures, which it will be in your power to take, when you know that the English Commissioners have orders to pass over all difficulties, and to grant all the demands, which may be made, rather than to lose the occasion of reinforcing the army they have upon this continent.

I join to this some extracts, the contents of which have appeared to me of a nature to interest your Excellency. You will see besides, Sir, by the despatch of the British Minister, with what affectation he seeks to make the Thirteen States to be considered as subjected to the English domination, and you will judge of what importance it is to you to treat with the Court of London upon the footing of perfect equality, and how useful an act of this nature may be to the negotiations of Congress in Europe, when they can add to all the facts, of which the Court of Madrid makes mention in its memoir, a cartel regulated on the footing of perfect parity, and which would prejudice beforehand the question of your independence. I congratulate myself, that this negotiation is in your hands, and I am well persuaded, that nothing will pass derogatory to the part, which my Court has taken in acknowledging the independence and the perfect sovereignty of the United States.

I shall intrust to your Excellency, that the King is disposed to send over succors to this continent, of arms and ammunition, but as the events of the sea are uncertain, I believe that it will be proper to make no change in the measures, which may have been taken otherwise to procure them. This news not having reached me till yesterday, I have not yet been able to make a communication of it to Congress.

As you may be retained in your quarters by important considerations, I propose to go to render you my duties in the course of the next month, and confer with your Excellency on objects of great importance, and relative to the measures necessary to push the next campaign with vigor, and to put the American army in a condition truly proper to hold the enemy in check upon the continent, whilst his Majesty and the King of Spain shall display in the other parts of the world all their forces to secure advantageous terms of peace to the allies.

I am, with respect, Sir,

LUZERNE.

P. S. This letter will be delivered to your Excellency by M. de Galvan, who has been raised to the rank of Major by your goodness; he desires to merit it anew, and prays me to solicit you to put his zeal in activity. I shall be very grateful for what you may be pleased to do for him. He was particularly recommended to me by the Minister of France. He appeared to me to merit a great deal from his zeal, and from his personal attachment to your Excellency.

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PAPERS MENTIONED IN THE ABOVE LETTER.

No. 1.

Translation.

Extract of a Memorial communicated by the Ambassador of England to the Court of Madrid, on the 28th of March, 1779.

Let the Colonies expose also their grievances, and the conditions for their security, or for their precaution, in order that the continuance and authority of lawful government may be re-established; and then we shall see if a direct and immediate accommodation can take place. If this same method is preferred in this last case only, let a truce be made in North America, that is to say, a real truce and suspension of arms, during which may be established and secured the liberty and estates of persons of every condition, and let all sort of violence against the respective subjects, or against the estates or effects which they possess, be made to cease. During this truce, the French may treat upon their particular concerns, avoiding thereby the suspicions, to which they would necessarily expose themselves, if they wish to involve in the negotiation their private advantage relatively to the pretended interests of those, whom France with affectation calls her allies; and his Majesty will be able to establish the government of his own dominions, without suffering the humiliation of not receiving, but from the hand of a declared enemy, the conditions which regard this government.

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No. 2.

Translation.

Ultimatum proposed by the Court of Madrid to the Courts of France and England, dated 3d of April, 1779.

If these overtures or propositions had arrived here immediately after the King had made his to adjust the plan of reconciliation, several difficulties might have been some time since removed, by the modifications, which might have been negotiated, counting upon good faith and reciprocal confidence, as well as the desire of obtaining a peace; but after having lost more than two months, without reckoning the time that uselessly passed before, and after having observed that during this interval they did not cease to make great preparations of war, it must necessarily be suspected, that the object of England is to let glide away the months, which the campaign might still last, to continue the war with vigor. In this case all the efforts of the King to bring back the belligerent powers to peace would be ineffectual. Nevertheless, his Majesty, wishing to give one more proof of his love of humanity, and to make it appear that he has neglected nothing to stop and prevent the calamities of war, has ordered to propose to the two Courts the following plan, which will be on his part an ultimatum in this affair.

"That there shall be an unlimited suspension of arms with France on the condition, that neither of the belligerent powers can break it without advertising the other a year beforehand.

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"That with a view of re-establishing reciprocal security and good faith between the two Crowns,

by means of this suspension of hostilities, there shall be a general disarming in the space of one month on the side of Europe, in four months on that of America, and in eight months or a year for those of Africa and of Asia the most remote.

"That they shall determine in a month the place where the Plenipotentiaries of the two Courts shall assemble, to treat of a definitive accommodation of peace, and to regulate the restitutions or compensations relative to the reprisals, which have been made without adjudication of war, and to other grievances or pretensions of one or the other Crown. For this purpose the King will continue his mediation, offering in the first place the city of Madrid to hold a Congress.

"That the King of Great Britain shall grant a like cessation of hostilities to the American Colonies, by the intercession and mediation of his Catholic Majesty, a year beforehand, to the end, that he may apprise the said American Provinces, that they are equally ordered to make a reciprocal disarming at the epochas, and for the spaces of time, which have been specified with regard to France.

"That the bounds be fixed beyond which neither of the two parties shall pass from the positions and territories, in which it shall be at the time of the ratification of this arrangement.

"That they may send to Madrid one or more Commissioners on the part of the Colonies, and that his Britannic Majesty may also send others on his part under the mediation of the King, if necessary, in order to adjust all those points and others, which respect this suspension of arms, and the effects which it ought to produce, so long as it shall subsist, and that during this interval the Colonies shall be treated as independent in fact. That in case all the belligerent powers, or any others among them, or even the Colonies themselves, demand that the treaties or accommodations, which are concluded, be guaranteed by those powers and by Spain, they shall in effect be so guaranteed. And the Catholic King now offers his guarantee for the preliminaries." 392

No. 3.

Translation.

Extract from the Exposition of the Motives of the Court of Spain relative to England.

Among the propositions of the ultimatum of the King of Spain, there is one for which the British Cabinet has affected to have the greatest repugnance, and that is the proposition which imparts, that the Colonies shall be treated as independent *in fact*, during the interval of the truce. It is extraordinary, since it is even ridiculous, that the Court of London after having treated the Colonies during the war as independent, not only *in fact*, but also *of right*, should have any repugnance to treat them as independent only *in fact*, during the truce, or suspension of arms. The Convention of Saratoga, General Burgoyne considered as a lawful prisoner, the exchange and liberation of other Colonial prisoners, the nomination of Commissioners to meet the Americans at their own homes, the act of having asked peace of them, and to treat with them, or with Congress, and a hundred other facts of this nature, authorised by the Court of London, have been genuine signs of an acknowledgment of the independence of the Colonies. 393

It is the English nation itself, who can best judge and decide, whether all these acts are as compatible with the honor of the British Crown, as would be that of granting to the Colonies, by the interposition of his Catholic Majesty, a suspension of arms to discuss their differences, and to treat them during this interval as independent *in fact*.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 24th, 1780.

Sir,

I have the honor of sending you the credentials, by which M. d'Anmours is provisionally appointed his Majesty's Consul in the State of North Carolina. I entreat you to be pleased to cause them to be invested with the sanction of Congress, by having them entered upon the registers, and by taking the trouble to affix your approval, or causing that of Mr Thompson to be affixed, according to the mode heretofore pursued in similar cases.

I have the honor to be, &c.

LUZERNE.

Translation.

Philadelphia, January 25th, 1780.

Sir,

The Minister Plenipotentiary of France has received express orders from the King, his master, to inform Congress, that the present situation of the affairs of the alliance in Europe announces the necessity of another campaign, which is indispensable to bring England to an acknowledgment of the independence of the Thirteen United States, which is the essential purpose of the present war. That power is making preparations the most proper for continuing the war with vigor, and appears willing to employ, in the course of this year, all the means possible to procure reparation, by some important enterprise, for the losses it has already sustained. Congress cannot doubt, that in this situation of affairs his Most Christian Majesty and the King of Spain have concerted plans to maintain that superiority by sea, which has begun to appear in their favor; and the underwritten has reason to believe, that the United States have nothing to desire of their ally, touching the use he is making of the resources of his realm, and the efficacy of the measures adopted by the Cabinets of Versailles and Madrid.

But while this powerful diversion retains in Europe, and the West Indies, the greater part of the land and sea forces of the common enemy, it is absolutely necessary, that the United States, on their part, should make efforts proportionable to the greatness of the object for which they are contending. The only means of putting an end to the calamities of the war is to push it with new vigor; to take effectual measures immediately for completing the army and putting it in condition to begin an early campaign.

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It is also necessary to concert, as far as the distance of places will permit, a plan of common operations; and this is one of the principal points on which the underwritten Minister is ordered to consult with Congress. He is also ordered to assure this Assembly, that the King being informed of the wants of the American army, with respect to arms and ammunition, has commanded his Ministers to make suitable arrangements for supplying them. It is necessary that the underwritten Minister should confer with Congress on the subjects just mentioned. Besides, he has some particular circumstances to communicate relative to the present or probable state of the negotiations; and he desires that this assembly will be pleased to inform him in what manner they will receive the communication, the subject of which, as well as the plan of operations for the ensuing campaign, requires the most profound secrecy. In the meanwhile, he now only assures Congress, that in the whole course of the negotiations carried on last year, the King would not listen to either peace or truce, without an assurance, of some sort, of the independence of the United States.

LUZERNE.

**REPORT OF A COMMITTEE ON THE COMMUNICATIONS OF THE
FRENCH MINISTER.**

In Congress, January 28th, 1780.

The committee appointed to receive the communications of the Minister of France, reported the following summary, accompanied with extracts of papers, which he had recently received.^[32]

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The Minister of France informed the Committee, that he had it in command from his King to impress upon the minds of Congress, that the British Cabinet have an almost insuperable reluctance to admit the idea of the independence of these United States, and will use every possible endeavor to prevent it. That they have filled several of the Courts of Europe with negotiations, in order to excite them to a war against France, or to obtain succors; and are employing the most strenuous endeavors to persuade the several powers, that the United States are disposed to enter into treaties of accommodation. That many persons in Europe are actually employed in bringing such treaties to perfection; and that they have no doubt of their success. That the objects which the British Cabinet hope for from those measures are, to destroy the superiority, which France has now at sea, by diverting her powers and resources from naval to land operations, and by engaging her in a land war, where she must risk very important interests, while England would risk nothing but money; or to break, or weaken the alliance, by destroying the confidence, which the allies ought to have in each other.

That his Most Christian Majesty gives no credit to the suggestions of Britain, relative to the disposition of the United States; and it is necessary, that measures be taken for the preventing of other powers from being deceived into a belief of them. That the negotiations of Britain, as far as could yet be learned, had not succeeded. That the dispositions of all the European powers are, as far as can be known, very friendly to France; but some of them may be engaged in secret treaties with Britain, which may oblige them, in some event, to assist her with troops even against their

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inclinations. That such event may arise, and if it should, it is probable it will produce an armed mediation, the consequences of which would be, that the allies must accept of the terms proposed by the mediator, or continue the war under the disadvantage of having the forces of the mediator united with those of their enemies. That in such event, it is possible the terms proposed will be such as Spain offered, and Britain rejected, in the last proposed mediation.

That, though the powers who may be under such engagements by treaty to Great Britain, from their friendly disposition towards his Most Christian Majesty, may be very unwilling to give assistance to his enemies, yet they may find it indispensably necessary in compliance with their engagements; but it is not improbable that their reluctance, or the distance of their dominions, may delay such assistance, if granted at all, so as to be too late for the next campaign. That should the enemy be in possession of any part of the United States at the close of the next campaign, it will be extremely difficult to bring Great Britain to acknowledge their independence; and if a mediator should be offered, while the enemy is in possession of any part, an impartial mediator could not easily refute the arguments, which might be used for its retaining such possessions. And, probably, a mediator well disposed towards Great Britain might insist on her holding them; and if not agreed to, the hostility of such a mediator would be the necessary consequence. That should Great Britain form such alliances, or procure such aids, as are the objects of her present negotiations, there will be every reason to fear a long and an obstinate war, whereof the final event may be doubtful.

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That this view of affairs plainly points out the necessity for the greatest possible vigor in the operations of the next campaign, in order to dispossess the enemy of every part of the United States, and to put them in condition to treat of peace, and accept of a mediation with the greatest advantage; and the preparations for it ought to be as speedy and as effectual as possible. That France and Spain are prepared to make a very powerful diversion, and will exert themselves most strenuously for preserving and improving their naval superiority, and for employing the powers of the enemy in Europe and the West Indies. The Minister declared, as from himself, that he doubted not his Most Christian Majesty will spare some ships to the United States, if it can be done without endangering his superiority at sea; and that an application made to the Minister informally is more eligible than to the King, because it would give his Majesty great pain to refuse the request, though he might be in no condition to grant it. That at all events, supplies should be prepared on a supposition that the ships will be granted; and such supplies should be put into the hands of the Agent for the Marine of France, and considered as the King's property.

He desires to be informed, as far as Congress may deem proper, what force the United States can bring into the field next campaign? On what resources they rely for their maintenance and necessary appointments? And what shall be the general plan of the campaign, on supposition either of having, or not having the aid of ships of war? He gives it as his opinion, that an application for clothing may be made to his Most Christian Majesty with prospect of success; and although measures have been taken for sending arms and warlike stores to America, yet it would be prudent in Congress not to neglect any other means for procuring those supplies, or supplies of clothing.

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FOOTNOTE:

[32] These extracts were the same as had been sent to General Washington, and are printed above, in connexion with M. de la Luzerne's letter to him, dated January 23d, 1780.

ANSWER OF CONGRESS TO THE COMMUNICATIONS OF THE FRENCH MINISTER.

In Congress, January 31st, 1780.

Congress taking into consideration the communications of the French Minister, as reported by the committee on the 28th instant,

Resolved, That the following answer be given to the communications of the honorable the Minister Plenipotentiary of France;

That Congress entertain the most grateful sense of the unremitting attention given to the interests of the United States by their illustrious ally; and consider the communications made to them by his Minister under his Majesty's special command as equally wise and interesting. That the confidence which they repose in his Majesty, in consequence of his so generously interesting himself in the affairs of these United States, and the wisdom and magnanimity of his councils, determine them to give the most perfect information in their power of their resources, their views, and their expectations.

That to this end, they state as follows; that the United States have expectations, on which they can rely with confidence, of bringing into the field an army of twentyfive thousand effective men, exclusive of commissioned officers. That this army can be reinforced by militia so as to be in

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force sufficient for any enterprises against the posts occupied by the enemy within the United States. That supplies of provisions for the army in its greatest number can certainly be obtained within the United States; and the Congress, with the co-operation of the several States, can take effectual measures for procuring them in such manner as that no operation will be impeded. That provisions, also, for such of the forces of his Most Christian Majesty, as may be employed in conjunction or co-operation with those of the United States, can be procured under the direction of Congress; and such provisions shall be laid up in magazines, agreeably to such instructions as his Majesty's Minister Plenipotentiary shall give; and the magazines shall be put under the direction of the Agent of the Marine of France.

That Congress rely on the contributions of the States by taxes, and on moneys to be raised by internal loans, for the pay of the army. That supplies of clothing, of tents, of arms and warlike stores, must be principally obtained from foreign nations; and the United States must rely chiefly on the assistance of their ally for them; but every other means for procuring them are already taken, and will be prosecuted with the greatest diligence.

That the United States, with the assistance of a competent naval force, would willingly, during the next campaign, carry on the most vigorous offensive operations against the enemy in all the posts occupied by them within the United States. That without such naval force, little more can be attempted by them than straitening the quarters of the enemy, and covering the interior parts of the country. That their forces must be disposed in such manner as to oppose the enemy with the greatest effect, wheresoever their most considerable operations may be directed.

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That at present, the Southern States seem to be their principal object, and their design to establish themselves in one or more of them; but their superiority at sea over the United States enables them to change their objects and operations with great facility, while those of the United States are rendered difficult by the great extent of country they have to defend.

That Congress are happy to find that his Most Christian Majesty gives no credit to the suggestions of the British cabinet relative to the dispositions of the United States, or any of them, to enter into treaties of accommodation with Great Britain; and wish his Majesty and all the powers of Europe to be assured, that such suggestions are insidious and without foundation.

That it will appear by the constitutions and other public acts of the several States, that the citizens of the United States possessed of arms, possessed of freedom, possessed of political power to create and direct their magistrates as they think proper, are united in their determinations to secure to themselves and their posterity the blessings of liberty, by supporting the independence of their governments, and observing their treaties and public engagements with immovable firmness and fidelity. And the Congress assure his Majesty, that should any individual in America be found base enough to show the least disposition for persuading the people to the contrary, such individual would instantly lose all power of effecting his purpose, by forfeiting the esteem and confidence of the people.

COMMUNICATIONS OF THE FRENCH MINISTER TO A COMMITTEE OF CONGRESS AT A SECOND CONFERENCE.

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In Congress, February 2d, 1780.

The Committee report, that in a second conference with the honorable the Minister Plenipotentiary of France he communicated to them;

That his Most Christian Majesty, being uninformed of the appointment of a Minister Plenipotentiary to treat of an alliance between the United States and his Catholic Majesty, has signified to his Minister Plenipotentiary to the United States, that he wishes most earnestly for such an alliance; and in order to make the way thereto more easy, has commanded him to communicate to the Congress certain articles, which his Catholic Majesty deems of great importance to the interests of his Crown, and on which it is highly necessary that the United States explain themselves with precision, and with such moderation as may consist with their essential rights.

That the articles are,

1st. A precise and invariable western boundary to the United States.

2dly. The exclusive navigation of the river Mississippi.

3dly. The possession of the Floridas; and

4thly. The lands on the left or eastern side of the river Mississippi.

That on the first article, it is the idea of the cabinet of Madrid, that the United States extend to the westward no farther than settlements were permitted by the royal proclamation bearing date the — day of — 1763.

On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

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On the third, that it is probable that the King of Spain will conquer the Floridas during the course of the present war; and in such event, every cause of dispute relative thereto between Spain and these United States ought to be removed.

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid proclamation, are possessions of the Crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a permanent conquest for the Spanish Crown. That such conquest may, probably, be made during the present war. That, therefore, it would be advisable to restrain the Southern States from making any settlements or conquests in those territories. That the Council of Madrid consider the United States as having no claims to those territories, either as not having had possession of them before the present war, or not having any foundation for a claim in the right of the sovereignty of Great Britain, whose dominion they have abjured.

That his Most Christian Majesty, united to the Catholic King by blood and by the strictest alliances, and united with these States in treaties of alliance, and feeling towards them dispositions of the most perfect friendship, is exceedingly desirous of conciliating between his Catholic Majesty and these United States, the most happy and lasting friendship.

That the United States may repose the utmost confidence in his good will to their interests, and in the justice and liberality of his Catholic Majesty; and that he cannot deem the revolution, which has set up the independence of these United States, as past all danger of unfavorable events, until his Catholic Majesty and the United States shall be established on those terms of confidence and amity, which are the objects of his Most Christian Majesty's very earnest wishes.

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GEORGE WASHINGTON TO M. DE LA LUZERNE.

Head Quarters, Morristown, February 4th, 1780.

Sir,

Major Galvan delivered me the letter, which your Excellency did me the honor to write to me on the 23d of January, to which I have paid all the attention the importance of its contents demands. I am much flattered by this commencement of a correspondence, from which I have everything to gain, and equally indebted for the interesting communications it affords.

It is a happy circumstance, that the efforts made by the British Court for obtaining troops in Germany are attended with so little success. This will naturally increase their exertions for procuring men in this country, and will, no doubt, make them more solicitous for effecting the exchange or release in some way or other, of their prisoners in our hands. It will be well, if in the negotiations on this subject, we can extract concessions favorable to those, which may take place in Europe, and you may depend the experiment shall be fully tried. But from the aspect of the late propositions on the part of the enemy, I should not entertain any sanguine hopes of the success of this experiment. The reinforcement they would derive from a full compliance with their proposals is not calculated at more than ten or eleven hundred private men; and this seems hardly to be an object of sufficient magnitude to induce them to concede to points of the nature, which your Excellency's information supposes; especially, as you emphatically express it, "after having sought with so much affectation to make the Thirteen States be considered as subjected to the English domination." The offers made through Major General Phillips are far more moderate, than any that have hitherto come from them, and appear, in a great measure, to have been influenced by his personal solicitations, dictated by an extreme anxiety to be released from captivity. But notwithstanding the matter in its present form wears to me the appearance I have mentioned, I shall not neglect any measure, which it may be in my power to take, to improve the intimation your Excellency has given, and entreat you to be assured, that I shall endeavor to make the event confirm the opinion you do me the honor to entertain, that nothing will be done derogatory to the magnanimous part your Court has acted, or the honor or interest of the United States.

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The inconsistency of the Court of London, so well delineated by that of Madrid in the extract you had the goodness to annex, would appear extraordinary, if their whole conduct in the course of the war did not exhibit many similar examples. But it is evident, that their refusing to consider these States as independent in fact, during a negotiation, was a mere pretext to cover their unwillingness to concur in the pacific views of His Catholic Majesty; and the Memorial from the British Ambassador shows, that they were artfully aiming to effect a separation of interests between France and these States, the better to prosecute their hostile designs against either or both.

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I thank your Excellency for the agreeable intelligence you give me of his Christian Majesty's intentions to send over succors of arms and ammunition. It is a new and valuable proof of his friendship, and will be of essential utility. I agree with you, that there ought to be no relaxation in

the measures otherwise intended to be taken to procure the necessary supplies of those articles.

I am sensibly mortified, that the present situation of affairs will by no means suffer me to yield to the desire I have of paying you my respects in Philadelphia; and I shall impatiently look for the opportunity of doing it here, which your Excellency promises me in the course of this month. Besides the important objects of public utility, which I am authorised to hope from it, I shall take pleasure on every occasion of testifying to you those sentiments of respect and esteem, with which I have the honor to be, &c.

GEORGE WASHINGTON.

P. S. The interest your Excellency is pleased to take in Major Galvan, will be an additional motive with me to avail myself of his talents and zeal, as far as circumstances will possibly permit.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Head Quarters, Morristown, February 15th, 1780.

Sir,

I have the honor to acknowledge the receipt of your Excellency's letter of the 4th,^[33] which only reached me on the 13th.

Sincerely desirous of doing everything in my power, by which the interest of his Christian Majesty, inseparable from that of these States, can in any manner be promoted, and still more in a point so essential as that which makes the subject of your letter, I should not hesitate to furnish the detachment required by Mr Duer, whatever might be my opinion of its necessity, did not the present state of the army absolutely forbid it. I with confidence assure your Excellency, that our force is so reduced by the expiration of the terms for which a considerable part of it was engaged, and will be so much more diminished in the course of a month or two from the same cause, as scarcely to suffice for the exigence of the service, and to afford just cause for uneasiness should the enemy be actuated by a spirit of enterprise, before we receive the reinforcements intended for the next campaign. So circumstanced, my duty to the common cause will not justify me in adding to the insecurity of our situation, by making a detachment, which, though apparently inconsiderable, would be materially felt in our present weakness; and I am persuaded, after the information now given, that your Excellency will wish me not to hazard the measure.

With respect to the necessity of a covering party, I shall not venture to decide; but I should imagine in the present state of things, that the business may be carried on with tolerable security without one. The consequences of the late expedition promise tranquillity for some time to our frontier, and make it at any rate improbable that the savages will be able to penetrate so far at so early a period, and the proposition does not require that the covering party should remain longer than until the last of April. The intelligence I have received corresponds with these ideas. It might be added, that the garrison at Wyoming gives some degree of protection to the part of the country in question. But as it is very important, that no interruption should be given to the workmen, if a covering party should upon the whole be thought requisite, the best mode of furnishing it will be from the neighboring militia. For this purpose on your Excellency's application to Congress, I cannot doubt they will immediately make the necessary arrangements.

I have the honor to be, with the most respect and attachment, &c.

GEORGE WASHINGTON.

FOOTNOTE:

[33] Missing.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 8th, 1780.

Sir,

I have just received from Martinique, a letter from M. Gerard, who informs me, that at his request the commander of Martinique has procured for the frigate Confederation, belonging to Congress, the same sources and facilities as are enjoyed by his Majesty's own vessels. But there

are no materials for masts, and as this vessel has been dismasted, M. Gerard knows no other means of hastening her repairs, than that of sending masts to him from Boston, or any other part of the continent where Congress can procure them.^[34]

I have the honor to be, &c.

LUZERNE.

FOOTNOTE:

[34] See further particulars on this subject in the *Correspondence of John Jay*, Vol. VII. pp. 171, et seqq.

THE KING OF FRANCE TO CONGRESS.

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Translation.

To our Very Dear Great Friends and Allies the President and Members of the Congress of the United States of North America.

Very Dear Great Friends and Allies,

We have received your letter of the 22d of November last, which you directed Dr Franklin to deliver. We have seen therein with pain the picture of the distressed state of your finances, and have been so affected, that we have determined to assist you as far as our own wants and the extraordinary and enormous expenses of the present war, in which we are engaged for your defence, will permit. The Chevalier de la Luzerne is enjoined to inform you more particularly of our intentions. And we are persuaded, that the details which he will make will induce you to exert your utmost efforts to second ours, and will more and more convince you how sincerely we interest ourselves in the cause of the United States; and that we employ all the means in our power to make it triumphant. You may rely on our perseverance in the principles, which have hitherto directed our conduct. It has been fully proved, as well as the sincere affection we entertain for the United States in general, and for each in particular. We pray God to have you, very dear great Friends and Allies, in his holy protection.

Written at Versailles, the 10th of March, 1781.

Your good Friend and Ally,

LOUIS.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

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Morristown, May 5th, 1780.

Sir,

Two days since I had the honor of receiving your Excellency's letter of the 29th of April.

The polite terms in which you mention the attention, which my respectful attachment for you dictated during your stay in camp, add to the obligation I felt for the honor of your visit. I was happy in that opportunity of giving you a new proof of my sentiments, and I entreat you to afford me others as frequently as possible. As the Minister of a Prince, to whom America owes so much, you have every title to my respect; and permit me to add, your personal qualities give you a claim, which my heart cheerfully acknowledges, to all my esteem and all my regard.

I beg you to accept my thanks for your intention to represent the army in so favorable a light, as will recommend it to the approbation of his Most Christian Majesty; an honor as flattering as it will be precious.

It would be a want of gratitude not to be convinced of the intimate concern he takes in our affairs, after the repeated and decided proofs he has given.

I have the honor to be, with the highest consideration, &c.

GEORGE WASHINGTON.

9 o'clock, A. M.

P. S. I have this instant received a letter from my much esteemed and amiable friend, the

Marquis de Lafayette, dated in Boston harbor, the 29th of last month. In the course of a day or two I shall expect to see him.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

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Morristown, May 11th, 1780.

Sir,

The attentions and honors paid to M. de Miralles^[35] after his death were a tribute due to his character and merit, and dictated by the sincere esteem, which I always felt for him.

I am much obliged to your Excellency for your intention of sending me a detail of the land and sea forces arrived at Martinique, which I beg leave to inform you was forgotten to be enclosed in your letter.

You will participate in the joy I feel at the arrival of the Marquis de Lafayette. No event could have given me greater pleasure, on a personal account, and motives of public utility conspire to make it agreeable. He will shortly have the honor to wait upon your Excellency, and impart matters of the greatest moment to these States. He announces a fresh and striking instance of the friendship of your Court, and which cannot fail to contribute greatly to perpetuate the gratitude of this country.

I am always happy to repeat to you the sentiments of respect and inviolable attachment, with which I have the honor to be, &c.

GEORGE WASHINGTON.

FOOTNOTE:

[35] M. de Miralles, Agent for the Spanish Government in this country, died in General Washington's camp, and was buried with military honors.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

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Head Quarters, Morristown, May 14th, 1780.

Sir,

Since my last I have had the honor to receive the detail of his Most Christian Majesty's fleet in the West Indies, which your Excellency has had the goodness to send me. I congratulate you very sincerely, Sir, on this very respectable armament, which I found to surpass my expectation, and I would willingly hope that an occasion will be afforded the Count de Guichen to strike some important blow with it, which shall advance the honor and interest of his Majesty, and of course the interest of these United States.

I have the honor to be, &c.

GEORGE WASHINGTON.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 16th, 1780.

Sir,

The undersigned, Minister Plenipotentiary of France, has the honor of informing Congress, that the King, in consequence of his affection, and friendship for the United States, and of his desire to put an end by effectual measures to the calamities of the present war, has resolved to send to this continent a reinforcement of troops, intended to act against the common enemy, and of vessels, which will be employed in assisting the operations of the land troops. As soon as Congress has decided on the plan of the campaign, the Marquis de Lafayette will receive all communications on this subject; and will on his part make the overtures, which shall be necessary to the success of the operations. But as despatch and secrecy ought to be the very soul

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of these operations, and as, moreover, Congress will undoubtedly find it indispensable to arrange them in concert with the Commander in Chief, the Chevalier de la Luzerne requests this Assembly to consider, whether the course most proper to be adopted under these circumstances be not to appoint, without the least delay, a small committee, who shall repair to the army, furnished with instructions, and there fix upon measures, which shall be carried into execution immediately on the arrival of the land forces, under the command of the Count de Rochambeau, Lieutenant General of the armies of the King, and the Chevalier de Ternay, commander of the squadron, at whatever part of the continent they may have had orders to land.

As the measures to be taken, in relation to the supply of necessaries and provisions to the auxiliary troops, will require the concurrence of the Legislatures and Governors of the several States, and particularly of those of Rhode Island, Connecticut, New York, and New Jersey, the undersigned Minister requests Congress to authorise the same committee to render their assistance to the measures, which the French General, or the Chevalier de la Luzerne, or the Commissioners authorised by them, shall be able to take with the different Legislatures; and with this view, to give to the delegates, who shall compose it, powers as extensive as Congress shall deem expedient.

An object, which next to that just mentioned, requires all the attention of Congress, is the information, which it is important to obtain as to the forces, the situation, and the resources of the enemy, in all the posts in their possession on this continent. The Chevalier de la Luzerne is consequently desirous, that Congress would be pleased to appoint a committee to collect immediately all the intelligence, details, and information, which may exist in their deposits and archives, relative to the ports of North America, now held by the English, from Halifax to St Augustine, including Canada, to the depth of the bays, creeks, and anchorages; to the forces which are stationed there, and the forts and fortresses, which have been erected there, the dispositions and number of the inhabitants, the resources with regard to provisions, and in general, all that information, which may promote the success of the operations. It is equally desirable, that this committee should have authority to carry on a correspondence, as long as may be necessary, in the different parts of the continent, whence this information can be obtained, in order that the intelligence being always fresh, the commanders of the expeditions may be able to establish their plans upon sure bases. The Minister of France requests, that the committee may be authorised to communicate to him this various information, so far as such communication shall not be inconvenient to Congress. Whatever promptness these measures require, the Chevalier de la Luzerne prays Congress not to take them into consideration, till after the subject mentioned at the beginning of this Memorial has been definitively settled.

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Dr Franklin has undoubtedly rendered an account to Congress of the measures, which he has taken for sending to this continent arms, stores, and clothing, as well as of the means of facilitating the loan of three millions of livres, which that Minister has procured, as well to meet this expense, as to give effect to the treaties of Congress in relation to it; and the Chevalier de la Luzerne will not go into any detail on this subject.

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He will not close this Memorial, without congratulating the American Senate on the zeal and ardor, which are shown on every side to render the ensuing campaign decisive, and to inflict upon the common enemy blows, which shall be most sensibly felt, to expel him from this country without the possibility of return, and to secure forever the liberty of the Thirteen States.

Circumstances have never been more favorable; the enemy, hard-pressed on every side, is not in a state to oppose an effectual resistance; the American forces are about to become more respectable than they have ever been, those of the King bring with them to this country the most sincere desire to second the brave efforts of their allies, and the two nations closely united for the purpose of bringing their combined enterprises to a successful issue, will seek only to distinguish themselves by their zeal, and their attachment to the common cause.^[36]

LUZERNE.

FOOTNOTE:

[36] For the proceedings of Congress on the subject of this letter, see the *Public Journals*, under the date of May 19th, 1780.

TO GEORGE WASHINGTON.

Translation.

Philadelphia, May 21st, 1780.

Sir,

You will be informed by the Marquis de Lafayette, of the measures adopted by the Congress

relative to the operations of the next campaign. I will not enter into a detail with respect to them. I confine myself to assure your Excellency of the eagerness of my countrymen to share in your success, of the zeal which animates them for the cause which you so gloriously defend, and of the desire I have to receive your advice and orders in everything in which you shall believe, that I may contribute to the success of the combined operations.

I have the honor to be, &c.

LUZERNE.

REPORT OF A COMMITTEE OF CONGRESS ON A CONFERENCE WITH THE FRENCH MINISTER.

In Congress, May 24th, 1780.

The committee appointed to confer with the Minister of France on the subject of supplies and other matters mentioned in this appointment, report as follows.

That in their first conference with the Minister, he mentioned his solicitude to procure the necessary provisions for the fleet and army of his Most Christian Majesty; that he wished to render every step he should take on this subject conformable to the designs of Congress, and conducive to the support of the combined forces; that he would therefore lay before the committee the measures, that he had already entered into, and was desirous to agree upon any plan for our mutual benefit, which we should think it proper to adopt.

That previous to our appointment, the moments being precious, he had despatched an agent to consult the Commander in Chief and General Greene on the subject of supplies, and would inform us of their sentiments at his return; that lest his purchases might interfere with those, which the States should make on account of the continent, he had thought it most advisable to let the whole business pass through their hands, and had accordingly written to Governor Trumbull for a limited supply of beef, pork, and mutton, leaving it to his option, either to be paid in bills upon France, specie, or continental bills of credit.

The committee have stated this information, that Congress may, if they should find it necessary, give them their directions before they digest any plan with the Minister of France on the return of his agent.

The committee conceive the establishment of posts and expresses, who shall bring the earliest intelligence of the arrival of the fleet of our ally, and the motions of the enemy, as so necessary to the right application of our force, that they submit the following resolution.

Resolved, that the Committee of Intelligence be directed to establish regular posts to and from the different parts of the sea coasts of this continent, from Charleston to Boston, in such manner as will most effectually procure information of the approach of the fleet of our ally, and the movements of the enemy in consequence thereof.

The committee are further of opinion, from the representations of the Minister of France, that every means should be used to add to the strength of the fleet of our ally on their arrival, particularly by completing the ship America, since it is highly probable, that the naval force, which the enemy may send to this coast, in order to frustrate the friendly endeavors of our ally in our behalf, will be adapted to that of France, without taking into the calculation any addition which it may receive here. They therefore submit the following resolutions.

Resolved, that the Board of Admiralty be directed to fit for sea, with the utmost expedition, the several ships of war and frigates now in port.

Resolved, that it be earnestly recommended to the respective States within whose ports any of the said ships or frigates may be, to afford every assistance to the Board of Admiralty on this application for artificers, laborers, and materials, for preparing the same for sea, and for completing this compliment of men.

Resolved, that Congress will defray every necessary expense, which any State shall incur in consequence of the above resolution.

Resolved, that the Board of Admiralty be empowered, if they shall think it advisable to dispose of the Saratoga, to apply the proceeds thereof to complete the America, or any of the frigates, which may by that means be shortly fitted for sea.

And whereas it is proper to make provision for repairing any damage, which the fleets of our ally may sustain by storms or otherwise,

Resolved, that the Board of Admiralty be directed to cause as many masts, yards, and spars, as they shall deem necessary for the above purposes to be procured.

Resolved, that they may be also directed to settle signals with the commanding officers of any ship or ships of our ally, which may now or shall hereafter be upon the coasts of the United States.

And for the promoting of harmony and forwarding the common views of France and America, it was further agreed between the Minister of France and your committee, that they should suggest to Congress the propriety of adopting measures to prevent desertion from the fleet and army of our allies, in which view they submit the following resolution.

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Resolved, that it be recommended to the legislation of these United States, to pass laws for the punishment of such persons as shall encourage desertions from the fleets or armies of any foreign power, who shall prosecute the war in America in conjunction with these United States, and for the recovering such deserters as shall endeavor to conceal themselves among the inhabitants thereof.

ROBERT R. LIVINGSTON,
Chairman.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Morristown, June 5th, 1780.

Sir,

My time has been so entirely engrossed in the preliminary arrangements of immediate necessity towards the intended co-operation, that I have not been able till now to do myself the honor to thank your Excellency for your letter of the 21st of May. We have too many proofs of the general zeal of your countrymen in the cause of America, not to be entirely convinced of it, and to feel all that the most grateful sensibility can inspire.

I am happy in believing, that the troops and citizens of these States will eagerly embrace every opportunity to manifest their affection to the troops and citizens of your nation, as well as their gratitude and veneration to a Prince, from whom they have received the most important benefits. Penetrated with a sense of these, I shall think it my duty to cultivate correspondent sentiments, as far as my influence extends.

The Marquis de Lafayette has given me an account of all your Excellency has done for the advancement of the combined operations. It will no doubt contribute essentially to their success, and gives you a claim to the acknowledgments of the two countries.

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I am too sensible of the value of the permission you gave me to solicit your aid in everything, in which you can continue to afford us your good offices, not to make use of it as frequently as possible. I begin by *entreating* you to favor me with your advice with the greatest freedom, on whatever occurs to you interesting to our affairs at this period.

I have the honor to be, &c.

GEORGE WASHINGTON.

REPORT OF A COMMITTEE OF CONGRESS RESPECTING COMMUNICATIONS FROM THE FRENCH MINISTER.

In Congress, June 5th, 1780.

The committee appointed to receive the communications of his Excellency, the Minister of France, relating to supplies for the forces of his Most Christian Majesty, and on other matters, beg leave to report, that in a conference had on the 3d of the present month, the Minister was pleased to make the following communications, viz.

That M. de Corney, Commissary of the troops of his Most Christian Majesty, had orders to purchase a number of horses, and to purchase or hire a number of teams in the States where they could be most conveniently procured, for the use of the forces of his Most Christian Majesty, that should arrive to co-operate with the forces of these United States.

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That M. de Corney had also orders to endeavor to procure in the several States, where it should be found most convenient, provisions for the forces above mentioned, in such manner as should least interfere with the purchaser of the States or agents of Congress, and as should be best adapted to support and establish the credit of the paper currency. That M. de Corney would apply to the supreme executive powers of the several States, in which the purchases were to be made, for their advice and aid in the matter.

To obtain which, the Minister wished for the approbation of Congress, and that if they should think fit, letters might be written by the President to the supreme executive powers of the several States, requesting their advice and aid to M. de Corney in procuring those supplies.

That M. de Corney had received £7000 of the bills lately emitted by the State of Pennsylvania, to use for the purposes above mentioned, and would in his negotiations avail himself of all opportunities for contributing to the utmost of his power for establishing the currency of the public bills of credit.

That it would be necessary to give the said forces of his Most Christian Majesty the option of receiving their pay in specie, from their unacquaintedness with paper money in general, and ignorance of the language in which the bills of these United States are struck.

Which circumstance the Minister thought proper to suggest, that Congress might take any measures they should judge necessary to prevent uneasiness arising therefrom to the troops of these United States, who might receive their pay in a different manner.

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That to prevent loss happening to any of the citizens of these United States, from receiving from the troops of his Most Christian Majesty any small coins they may be possessed of that shall be below the standard alloy, the same will be exchanged for other coins by persons that shall receive orders therefor.

The Minister desired to be informed of the mode of intelligence Congress would rely on to give them immediate notice of the arrival of the forces from France, and for keeping up a constant communication after their arrival, and again repeated his wishes that nothing might be left unprovided for, that could promise despatch to their operations and render them most extensively useful to these United States.

The Minister also wished to recommend to the consideration of Congress M. Louis Ethis de Corney, Provincial Commissary of the troops in the service of his Most Christian Majesty, for the honor of a brevet commission of Lieutenant Colonel, which title his office had given him in the French service. M. de Corney desired not command or pay, but was ambitious to deserve a mark of honor from these United States, from which benefits might result to him hereafter.

Upon the foregoing information your committee beg leave to submit to the consideration of Congress the following resolutions,

That a brevet commission of Lieutenant Colonel be granted to M. Louis Ethis de Corney.

That M. de Corney be furnished with letters from the President to the supreme executive powers of the several States, or to such of them as M. de Corney shall apply for, requesting their advice and aid to him in procuring provisions and other necessaries for the forces of his Most Christian Majesty expected to arrive in these United States, in such manner as will best avoid a competition of purchases for the use above mentioned, and those for the use of the troops of these United States.

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That the Minister of France be informed, that it is the opinion of Congress, that the public service will be best promoted by having the same currency made use of, so far as may be, to procure supplies for the forces of his Most Christian Majesty as for those of these United States.

That the Governors of the States of Virginia and Maryland be requested immediately to engage trusty persons in those States respectively, at proper distances from each other, on the main road from Cape Henry in Virginia to Philadelphia, to hold themselves in readiness, should the French fleet be discovered off that Cape or the adjacent coast, to forward intelligence thereof, and any despatches that may be received from them to Congress, in the most expeditious manner.

REPORT OF A COMMITTEE OF CONGRESS RESPECTING A CONFERENCE WITH THE FRENCH MINISTER.

In Congress, June 7th, 1780.

The committee appointed to confer with the Minister of France on the mode of obtaining supplies for the forces of his Most Christian Majesty, and on other matters, report:

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That the Minister of France has communicated to your committee, that as M. de Corney, Commissary of the troops of his Most Christian Majesty, will go into the State of Connecticut to procure some supplies, it would be convenient for him to receive there an advance of money from these United States, either in Continental bills or the bills of that State, to be replaced in specie on the arrival of the fleet from France, and the Minister engages that the moneys, which shall be so advanced by these United States to M. de Corney, shall be replaced in specie as above mentioned.

Upon which communication your committee beg leave to submit to the consideration of Congress the following resolution, viz.

That the Governor of the State of Connecticut be, and he hereby is, authorised to receive on account of these United States, out of the moneys raised by that State more than sufficient to discharge the drafts heretofore made by Congress, and to comply with the requisition of Congress of the 20th of last month, or out of the bills that shall be completed and lodged in the Continental Loan Office in that State for the use of the United States, pursuant to a resolution of Congress of the 18th of March last, one million two hundred thousand dollars of the bills now in circulation, or thirty thousand dollars of the bills last mentioned, or a proportion of each, on the application of M. de Corney, Commissary of the troops in the service of his Most Christian Majesty, and advance the same to him, taking his receipt therefor, to replace the same in specie in the Treasury of these United States when required by Congress; said receipts to be transmitted to the Treasury Board as soon as may be.

TO THE PRESIDENT OF CONGRESS.

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Translation.

Philadelphia, June 18th, 1780.

Sir,

The undersigned Minister of France has witnessed the efforts of Congress to enable the Commander in Chief to make a glorious commencement of the campaign; he is convinced of the zeal with which all its members are animated, and if the army has not hitherto received any of the reinforcements announced in January last, he is persuaded that Congress deeply lament those delays, and are sincerely desirous to prevent the fatal consequences, which might result from them. The undersigned has, since the beginning of this year, continued to make the most pressing representations on this subject, and all the answers that he has received tend to assure him that the arrangements, which were announced, would be carried into full execution at the beginning of this month. Now that the time fixed for putting the army on a respectable footing has passed by, and it is but too certain, that the reinforcements demanded four or five months ago have not yet arrived, he earnestly entreats Congress to be pleased to pay immediate attention to the supply of these troops, and to the fulfilment of their promises.

The King, after the positive assurances, which he has received, has not the least doubt, *that the American army is now twentyfive thousand strong, not including commissioned officers, and that it is, at this moment, in a condition to undertake the most vigorous offensive operations against the enemy in the posts, which he occupies within the territory of the United States.* Congress, while giving these assurances, expressed in an urgent manner the wish, that a French squadron should facilitate the operations of the land troops. The King has been eager to comply with the requests of the Thirteen States. Their assurances are the basis of the measures which his Majesty has taken. A squadron is on the point of arrival, and the French Generals expect to find forces, respectable in numbers, ready to enter upon action. If, at the moment of their arrival, they are deprived of the co-operation, upon which they have reason to rely, the most precious time for action will be lost; the enemy will have time to take the necessary measures for defence, and, perhaps, to receive reinforcements; the soldiers' ardor will be quenched in inaction, and this delay will cause the loss of all the advantages of a campaign, which, if conducted with suitable promptness and activity, might have been made most useful to the common cause, and perhaps decisive.

426

It being manifestly necessary to complete the army, the undersigned has no doubt that Congress, as well from regard to the public interest, as to its own glory and the performance of its promises, will immediately take, for the accomplishment of this object, measures more effectual than those which have hitherto been taken. He hopes also, that the proper arrangements will be made for constantly maintaining, during the whole campaign, the number which has been announced, and he takes the liberty of recommending this important object in an equal degree to the consideration of Congress.

The Minister of France, convinced of the zeal for the public good, which inspires this Assembly, as well as of its wisdom and prudence, hopes that it will see in his representations only a new proof of his attachment to the common cause; that it will not be offended at the freedom, with which he expresses himself upon so important a subject, and that it will be pleased to put him in a situation to transmit to his Court satisfactory details respecting the fulfilment of the assurances made to him by Congress in January last.^[37]

427

LUZERNE.

FOOTNOTE:

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, June 28th, 1780.

Sir,

The Minister Plenipotentiary of France has the honor of informing Congress, that the Court of Madrid has sent to Havana land and naval forces sufficient to make a powerful diversion there. The Governor of Havana, having been informed of the assurances given by this Assembly on the 16th of December last, respecting the provisions of which the islands and the fleet of his Catholic Majesty might stand in need, is desirous that such quantities of corn as shall not be necessary for the subsistence of the armies destined to act upon this continent, may be successively sent to him. It is desirable, that the quantity now about to be sent should amount to three thousand barrels, and, with the approbation of Congress, the undersigned will give immediate orders to some merchants of this city to make purchases in the States in such manner as Congress shall think proper.

The Governor of Havana is also desirous of being supplied with beef, and pork, suet, lard, and vegetables, and with large and even small live cattle. The Minister of France entreats Congress to be pleased to enable him to send to Havana a favorable answer to these different demands, and he will take pleasure in transmitting to the Court of Madrid the intelligence of the facilities for supplies of provision, which the Spanish Colonies shall have enjoyed throughout the Thirteen States.

428

LUZERNE.

CONGRESS TO THE MINISTER OF FRANCE.

In Congress, July 7th, 1780.

The Minister of France having, in a note dated the 28th of June, informed Congress that the Court of Madrid has sent to the Havana a considerable body of forces to make a diversion in that quarter; and that the Governor of Havana desires, that as much flour and fresh provisions, such as cattle, hogs, suet, lard, and pulse, as can be spared, should be sent thither; and the Minister having intimated, that three thousand barrels of flour are immediately wanted, and that he will undertake to have that quantity purchased and sent, if Congress approve the measure, the following answer was returned;

That the Minister of France be informed, that through the loss of Charleston, the numerous army the States are under the necessity of maintaining in the Southern department, the ravages of the enemy, and the lightness of the crops in the Middle States, as well as the present extraordinary demand for the purposes of an effectual co-operation with the expected armament of his Most Christian Majesty, have not left these States in a situation to admit of any considerable export of provisions; yet Congress, desirous to testify their attention to the necessities of his Catholic Majesty's Colonies and armaments, and as far as lies in their power to compensate for the failure of supplies of rice, which an alteration in the circumstances of the Southern States has unhappily rendered it impracticable to afford, have resolved, that it be recommended to the State of Maryland to grant permission to such agent, as the Minister of France shall appoint, to purchase within that State any quantity of flour, not exceeding three thousand barrels, and to ship the same to such Colonies of his Catholic Majesty in the West Indies, as the Minister of France may direct. That many of the articles mentioned in this Memorial of the Minister being such as the Colonies of his Catholic Majesty furnish upon better terms than they can be procured from these States in their present situation, it is to be presumed they will feel no inconvenience from Congress' not entering at this time into any determination thereon.

429

Resolved, That Congress will from time to time afford such supplies to the Colonies of his Catholic Majesty, as their circumstances may require, and the situation of these States enable them to grant.

TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

I take the earliest opportunity to inform you, that his Majesty's Minister, in giving me notice of the expedition of the squadron, which arrived at Rhode Island on the 12th instant, informs me, that particular considerations relative to the movements of the English, have induced his Majesty to send, in two divisions, the forces which are designated to act in this country. The first division, having happily arrived, will be immediately ready for active service. With regard to the second, it was to quit the French coast as soon as circumstances should permit. Will you have the kindness, Sir, in imparting this news to Congress, to inform that body, that it ought to be kept secret till the moment of execution. I hope that Congress will approve of this reserve, both on account of the uncertainty of events at sea, and because the enemy should be kept in ignorance of our measures.

I have the honor to be, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 25th, 1780.

Sir,

As the present state of things may render the frigates, and other vessels at the disposal of Congress, useful to the combined naval operations, I pray you to have the goodness to propose putting these vessels under the orders of M. de Ternay, commander of the French squadron, while instructions, such as shall be thought proper, are given to the American captains. If Congress approves of this proposition, it will be necessary to send orders to the frigates, which are now in the eastern ports, so that they may join the French squadron as soon as possible; if, however, they have been destined to any other service, and Congress is reluctant to change their destination, do not, I pray you, Sir, insist on my demand. If these vessels shall receive orders to join the French squadron, I wish to have it in my power to inform M. de Ternay at what time he may look for them, what signals they will make on their approach, and what signals he shall use in reply to theirs.

I had hoped, Sir, after the assurances, which Congress was pleased to give me, that the Confederacy would be ready about the 15th of this month, at farthest. Will you have the kindness to let me know, with as much accuracy as circumstances will permit, about what time you think that she will be ready to set sail.^[38]

I have the honor to be, &c.

LUZERNE.

FOOTNOTE:

^[38] *In Congress, July 27th.*—"Resolved, That the frigates Trumbull, Confederacy, and Deane, and the sloop of war Saratoga, be put under the direction of General Washington, to be employed in co-operating with the fleet of his Most Christian Majesty, commanded by the Chevalier de Ternay, in any naval enterprise on the coasts of North America."

JOSEPH REED TO M. DE LA LUZERNE.

In Council, Philadelphia, July 25th, 1780.

Sir,

In answer to your Excellency's favor of this day, I have the honor to acquaint you, that the enlisting any deserter in the Continental army being expressly contrary to the direction of the Commander in Chief, the Hessian deserters are quite at liberty to enter into the service of his Most Christian Majesty, if his officers approve it, and they will in that case receive every encouragement from us to do.

I have the honor to be, &c.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 26th, 1780.

Sir,

Some Hessian deserters having come to me to obtain service in the body of French troops sent by the King to this continent, I have thought proper, before accepting their offers, to know the opinion of the State of Pennsylvania on this subject; and President Reed, whom I consulted, returned for answer the letter of which I annex a copy. Particular arrangements, relative to the subsistence of these new recruits, will make it necessary for me to have recourse to the Board of War; and I request, Sir, that Congress would be pleased to authorise the members composing it to agree with me on such measures as circumstances shall render necessary.^[39]

I have the honor to be, &c.

LUZERNE.

FOOTNOTE:

[39] *In Congress, July 31st, 1780.*—"On a report from the Board of War, to whom the Minister's letter of the 26th was referred,

"*Resolved*, That, agreeably to the request of the Honorable the Minister of France, the Board of War be authorised to take such measures relating to the subsistence of the recruits, who shall be enlisted into the service of his Most Christian Majesty out of the German deserters from the enemy, as the said Board shall deem proper."

GEORGE WASHINGTON TO M. DE LA LUZERNE

433

Head Quarters, July 27th, 1780.

Sir,

I have the honor to enclose to your Excellency a letter, which has just come to hand, from the Count de Rochambeau, of the 22d instant. It is certainly of great importance, that the precaution he mentions should be taken without loss of time. I should think the Delaware the best place for the reception of the second division, though there ought to be cruisers off both bays. It is necessary that a plan should be previously fixed for the junction of the fleets after the debarkation. I shall immediately write to the Count for this purpose.

We have repeated accounts from New York, that General Clinton is making a large detachment for a combined attack upon the French fleet and army. This will be a hazardous attempt, and, therefore, though I do not regard it as impossible, I do not give it entire faith. The Count de Rochambeau has been some time since apprized of these demonstrations, and seems to have been preparing for what might happen.

I have the honor to be, with every sentiment of respect and attachment, &c.

GEORGE WASHINGTON.

TO GEORGE WASHINGTON.

434

Translation.

Philadelphia, July 30th, 1780.

Sir,

I enclose to your Excellency a letter for M. de Ternay, in which you will see what measures I have taken to fulfil the intentions, which you imparted to me on the 27th instant. I beg you will seal this packet and send it to his address by the first opportunity.

Congress have put under your orders the frigates, in directing them to come into the Delaware. You will be able to judge, after your arrangements with the Chevalier de Ternay, whether these vessels, or one of them, may not accomplish the commission desired. Their cruise may then be useful to the commerce of the United States. I know not whether M. de Ternay will communicate to them any signals, by means of which they may approach the coast without danger. Your Excellency may be able, should you think it necessary, to suggest it to him.

I have the honor to be, &c.

LUZERNE.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Peekskill, August 4th, 1780.

Sir,

Colonel Jamet arrived here last night, by whom I had the honor to receive your Excellency's request, that I would send instructions for the second division coming from France, with respect to the measures, which it should pursue for forming a junction with the first. I beg leave to inform your Excellency, that I wrote to the Count de Rochambeau, agreeably to my letter to you of the 27th ultimo, and requested that he, in concert with the Chevalier de Ternay, would communicate to me, that it might be transmitted to your Excellency, the line of conduct which they should judge proper to be pursued by this division.

435

As the Marine are concerned, and the junction in present circumstances is a matter of peculiar delicacy, I did not think myself qualified to decide on the point. I have not received their answer yet, and therefore I cannot pretend to determine what should be done; I will, however, take the liberty to observe, that if the ships of war with this division are superior, or even fully equal to those of the enemy, off Rhode Island, I should suppose it would be eligible for them to proceed there at once, should they be met by the cruisers your Excellency has sent out on the Southern coast. If this is not the case, they ought to make the Delaware as soon as possible. In this event the troops might be forwarded to Trenton in the first instance, and the ships might remain until ulterior measures, with respect to them, should be determined. These, however, I would not offer but as mere suggestions, and much it would seem must depend on circumstances and the discretion of the officer commanding the division.

Perhaps if the ships of war should proceed directly to Rhode Island, it will be best for them to disembarass themselves of their transports, and send them into the Delaware as in the other case. I take it for granted, that signals of recognisance have been preconcerted between the two divisions.

436

On the 31st ultimo, the enemy's fleet in the Sound returned from Huntington Bay to New York. From every information the Count de Rochambeau and his army were certainly their object, and they had embarked in considerable force, with a view of attacking him. I cannot determine with precision the reasons, which induced the enemy to relinquish their plan; but it is not improbable that the movements of our army, and the ulterior measures I was about to prosecute, operated in some measure to produce it.

I have the honor to be, &c.

GEORGE WASHINGTON.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Peekskill, August 6th, 1780.

Sir,

I had this morning the honor to receive your Excellency's letter of the 30th of July, with the one addressed to the Chevalier de Ternay, which I have sealed and forwarded by an express.

With respect to the Continental frigates, I beg leave to inform your Excellency, that I did not apprehend, from the resolution of Congress concerning them, that they were to be under my orders, or to receive any instructions from me, until they had joined the Chevalier de Ternay, after assembling in the Delaware. This being the case, I cannot give any directions about them at present, and would take the liberty to recommend to your Excellency to apply to Congress or the Board of Admiralty; to the latter of whom I have written to give their orders to the captains of the frigates, on the conduct they are to pursue. The employment for them, or at least for one which your Excellency has suggested, appears to me to be proper, and that it will answer the double purposes you mention.

437

I have, by my letter of today to the Chevalier de Ternay, requested him to advise me in what manner he thinks the frigates can be most usefully employed to assist his fleet, and that there might be no further delay, when matters with respect to them are ultimately fixed, I requested him also to communicate to the Captains of the frigates at Boston, as well as to myself, the signals of recognisance.

When I receive his answer I will embrace the earliest occasion to transmit the signals.

I have the honor to be, &c.

GEORGE WASHINGTON.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 15th, 1780.

Sir,

I have received the letter, with which you honored me on the 12th instant, with the resolutions of the 5th and 12th instants, which accompany it. Be pleased to assure Congress, that I will neglect no means in my power for securing the success of the prudent and patriotic measures, which are about to be taken, and I can assure you of the eagerness, with which the King will second those measures and of his resolution to assist the Thirteen States, to the utmost of his power. I shall transmit to his Majesty the resolution, which you have been pleased to communicate to me, and I have reason to believe, that he will entirely approve of everything, that may contribute to the immediate deliverance of the States invaded by the enemy.

438

With regard to the concurrence of the forces of his Catholic Majesty, I am entirely uninformed, and although the good dispositions of the Court of Madrid towards the Thirteen States are undoubted, I do not know in what points the Spanish troops can assist the American armies.

I have the honor to be, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 15th, 1780.

Sir,

I have received the letter, which you did me the honor of writing to me on the 12th instant, with an act of Congress relative to the petition of George Basden. I shall transmit the whole to the Governors of St Domingo, in order to know their opinion on a subject of this nature, but I can inform you beforehand, that it seems to me doubtful, whether their opinion will be favorable to the petitioner, as the Bermudians, living under the English government, are not excepted from the number of our enemies, by any public act, which has come to my knowledge.

Allow me, Sir, to have the honor to remind you on this occasion, that several notes, which I had the honor of sending to the Committee of Commerce, in relation to merchandise deposited in the hands of the Sieur Caraburse, at St Domingo, have remained unanswered.

439

I have the honor to be, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, September 1st, 1780.

Sir,

I have received the letter, with which you yesterday honored me, and the account of the bills of exchange drawn on Dr Franklin. I deeply feel the confidence, which Congress repose in me, in confiding to me the details of this affair, and I have no doubt, that Congress are persuaded of the zeal and interest with which I shall lay before his Majesty's Minister, the actual state of the finances of the Thirteen United States. Their representatives are not ignorant how desirous the King is to render them effectual assistance, and the measures lately taken are new proofs of his friendship and kindness for them.

As to the bills of exchange in question, I have said with freedom to the committee, with which I had the honor of conferring, that I was in no way authorised to give any hopes, that they would be accepted. I confided to that committee, with equal sincerity, my reasons for fearing, that great difficulties would be experienced in the payment of them, unless Congress themselves succeed in placing funds in the hands of their Plenipotentiary. I am persuaded, Sir, that the explanations, which I have had the honor of transmitting to Congress, by the committee appointed to confer with me, are conformable to the system of sincerity and frankness, which ought to exist between allies whose interests are so closely connected.^[40]

440

I have the honor to be, &c.

LUZERNE.

FOOTNOTE:

[40] See the resolutions of Congress, respecting the bills of exchange here mentioned, in the *Public Journal of Congress*, for August 9th and 15th, 1780.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Head Quarters, Bergen County,
September 12th, 1780.

Sir,

I have the honor to enclose you a letter, which upon the whole I have thought it advisable to write to the Count de Guichen. As its contents are of a nature to make its falling into the enemy's hands in its present form dangerous, and as I have no cypher of communication with the Count, I take the liberty to request your Excellency's assistance, in making use of yours, and forwarding it by triplicates with your despatches by the first opportunities.

I make no mention of a land force, because though it would be useful, it may be dispensed with. But if a body of troops could conveniently accompany the fleets, it would give greater energy and certainty of success to our operations. I am the more induced to desire it, as the composition of a considerable part of our army is temporary, and I am not informed what measures may be taken to replace the men whose times of service will expire.

I need use no arguments to convince your Excellency of the extremity, to which our affairs are tending, and the necessity of support. You are an eye witness to all our perplexities and all our wants. You know the dangerous consequences of leaving the enemy in quiet possession of their southern conquests; either for negotiation this winter, or a continuance of the war. You know our inability alone to expel them, or perhaps even to stop their career.

441

I have the honor to be, with the sincerest sentiments of respect and attachment,

GEORGE WASHINGTON.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, September 15th, 1780.

Sir,

I have received the annexed Declaration,^[41] with orders to communicate it to Congress. Some American merchants, not knowing that Articles 11th and 12th, therein mentioned, had been annulled, have made use of them in the French Islands, to demand an exemption from the duties paid on the exportation of molasses.

An authentic publication of the treaty will remove all remaining doubts as to the payment of this

duty, to which the subjects of his Majesty are themselves subjected.

I have the honor to be, &c.

LUZERNE.

FOOTNOTE:

[41] See this *Declaration*, annulling the 11th and 12th Articles of the Treaty, in the *Correspondence of the Commissioners in France*, Vol. I. p. 432.

TO THE PRESIDENT OF CONGRESS.

442

Translation.

Philadelphia, September 16th, 1780.

Sir,

The undersigned, Minister Plenipotentiary of France, being about to leave Philadelphia for some weeks, and being desirous that in the present state of things, there should be no interruption to the communications between Congress and the French Embassy, has the honor of informing this body, that M. de Marbois will remain here as *Chargé d'Affaires* of his Majesty. As the President and Delegates are aware of the attention, which he has paid to the affairs relative to them, the undersigned hopes that they will be pleased to grant him their confidence.^[42]

LUZERNE.

FOOTNOTE:

[42] *In Congress, September 19th.* "A letter of the 16th, from the Honorable the Minister Plenipotentiary of France, was read, informing Congress that he is about to leave Philadelphia, and to be absent for some weeks; but that M. de Marbois will remain here in quality of his Majesty's *Chargé d'Affaires*; and hoping, that from his known attention to matters relative to the embassy, Congress will grant him their confidence; whereupon,

"*Resolved*, That the President inform the Minister of France, that in his absence they will readily continue their intercourse with the embassy of his Most Christian Majesty, through M. de Marbois, as his Majesty's *Chargé d'Affaires*, in whose abilities and attention to the interests of the Court of France and those of the United States they have just confidence."

M. DE MARBOIS TO THE PRESIDENT OF CONGRESS.

443

Translation.

Philadelphia, October 8th, 1780.

Sir,

I have received the letter, with which your Excellency honored me on the 7th instant, and the accompanying resolution of Congress. I shall, in compliance with the wishes of Congress, send it in three despatches to his Majesty's Minister, and shall make use of three different vessels, which will sail for France in the course of this week. I have no doubt that my Court is sensible of the attention, which Congress shows in communicating to it these measures, and that they will appear equally just, moderate, and prudent.

I have the honor to be, &c.

MARBOIS.

M. DE MARBOIS TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

In obedience to an order, which the Captain of the store-ships in this port has just received, he will sail for Boston or Rhode Island on Monday or Tuesday next. Will your Excellency have the kindness to inform me, if he can be convoyed to the mouth of the Delaware, or to any other distance, by one of the Continental frigates.

I have the honor to be, &c.

MARBOIS.

TO THE PRESIDENT OF CONGRESS.

444

Translation.

Philadelphia, November 1st, 1780.

Sir,

The Governors of the West India Islands express a wish, that Congress would be pleased to take into consideration the various inconveniences resulting from the abuse by the English of the papers, which they find on board of the American prizes, which fall into their hands. They make use of these papers to enable themselves to commit the most daring actions, and it is the more difficult to prevent them, as they sometimes have subjects of the United States on board, and as the English language is spoken by them in common with our allies.

The undersigned, Minister Plenipotentiary of his Most Christian Majesty, has the honor to propose to Congress, *that henceforth every Captain bound to the French Colonies shall sign his own papers in presence of the Commissioners of the American Admiralty, in order that, on his arrival in the French Islands, it may be ascertained whether this signature be the same as that which shall be made by him as Captain of the American vessel. It would be of equal use to endorse the signature of the Captain on the papers.* If Congress think of any other form equally adapted to fulfil the object desired, the undersigned will endeavor to have it adopted by the Governors of the French Islands.

LUZERNE.

FROM CONGRESS TO THE KING OF FRANCE.

445

The United States of America in Congress assembled, to their Great, Faithful and Beloved Friend and Ally, Louis the Sixteenth, King of France and Navarre.

Great, Faithful and Beloved Friend and Ally,

Persuaded of your Majesty's friendship, and of your earnest desire to prosecute the war with glory and advantage to the alliance, we ought not to conceal from your Majesty the embarrassments, which have attended our national affairs, and rendered the last campaign unsuccessful.

A naval superiority in the American seas having enabled the enemy, in the midst of the last winter, to divide their army, and extend the war in the Southern States, Charleston was subdued before a sufficient force could be assembled for its relief.

With unabated ardor, and at a vast expense, we prepared for the succeeding campaign; a campaign from which, in a dependence on the co-operation of the squadron and troops generously destined by your Majesty for our assistance, we had formed the highest expectations. Again the enemy frustrated our measures. Your Majesty's succors were confined within the harbor of Newport, while the main body of the British army took refuge in their fortresses, and under protection of their marine, declining to hazard a battle in the open field; and regardless of their rank among civilized nations, they descended to wage a predatory war. Britons and savages united in sudden irruptions on our northern and western frontiers, and marked their progress with blood and desolation.

446

The acquisition of Charleston, with the advantages gained in Georgia, and the defeat of a small army composed chiefly of militia, which had been hastily collected to check their operations, encouraged the British commander in that quarter to penetrate through South Carolina into the interior parts of North Carolina. And the ordinary calamities of war were embittered by implacable vengeance. They did not, however, long enjoy their triumph. Instead of being depressed, impending danger served only to rouse our citizens to correspondent exertions; and

by a series of gallant and successful enterprises they compelled the enemy to retreat with precipitation and disgrace.

They seem, however, resolved by all possible efforts, not only to retain their posts in Georgia and South Carolina, but to renew their attempts on North Carolina. To divert the reinforcements destined for those States, they are now executing an enterprise against the seacoast of Virginia; and from their preparations at New York and intelligence from Europe, it is manifest that the four southern States will now become a principal object of their hostilities.

It is the voice of the people and the resolution of Congress to prosecute the war with redoubled vigor, and to draw into the field a permanent and well appointed army of thirtyfive thousand regular troops. By this decisive effort we trust that we shall be able, under the divine blessing, so effectually to co-operate with your Majesty's marine and land forces, as to expel the common enemy from our country, and render the great object of the alliance perpetual. But to accomplish an enterprise of such magnitude, and so interesting to both nations, whatever may be our spirit and our exertions, we know that our internal resources must prove incompetent. The sincerity of this declaration will be manifest from a short review of our circumstances.

447

Unpractised in military arts, and unprepared with the means of defence, we were suddenly invaded by a formidable and vindictive nation. We supported the unequal conflict for years with very little foreign aid, but what was derived from your Majesty's generous friendship. Exertions uncommon, even among the most wealthy and best established governments, necessarily exhausted our finances, plunged us into debt, and anticipated our taxes; while the depredations of an active enemy by sea and land made deep impressions on our commerce and our productions. Thus encompassed with difficulties, in our representation to your Majesty of June 15, 1779, we disclosed our wants, and requested your Majesty to furnish us with clothing, arms, and ammunition for the last campaign, on the credit of the United States. We entertain a lively sense of your Majesty's friendly disposition, in enabling our Minister to procure a part of those supplies, of which, through unfortunate events, a very small proportion has arrived. The sufferings of our army from this disappointment have been so severe, that we must rely on your Majesty's attention to our welfare for effectual assistance. The articles of the estimate transmitted to our Minister are essential to our army, and we flatter ourselves, that through your Majesty's interposition they will be supplied.

At a time when we feel ourselves strongly impressed by the weight of past obligations, it is with the utmost reluctance that we yield to the emergency of our affairs in requesting additional favors. An unreserved confidence in your Majesty, and a well grounded assurance, that we ask no more than is necessary to enable us effectually to co-operate with your Majesty, in terminating the war with glory and success, must be our justification.

448

It is well known, that when the King of Great Britain found himself unable to subdue the populous States of North America by force, or to seduce them by art to relinquish the alliance with your Majesty, he resolved to protract the war, in expectation that the loss of our commerce, and the derangement of our finances, must eventually compel us to submit to his domination. Apprized of the necessity of foreign aids of money to support us in a contest with a nation so rich and powerful, we have long since authorised our Minister to borrow a sufficient sum in your Majesty's dominions, and in Spain, and in Holland, on the credit of these United States.

We now view the prospect of a disappointment with the deeper concern, as the late misfortunes in the southern States, and the ravages of the northern and western frontiers, have, in a very considerable degree, impaired our internal resources. From a full investigation of our circumstances it is manifest, that in aid of our utmost exertions a foreign loan of specie, at least to the amount of twentyfive millions of livres, will be indispensably necessary for a vigorous prosecution of the war. On an occasion, in which the independence of these United States and your Majesty's glory are so intimately connected, we are constrained to request your Majesty effectually to support the applications of our Ministers for that loan. So essential is it to the common cause, that we shall without it be pressed with wants and distresses, which may render all our efforts languid, precarious, and indecisive. Whether it shall please your Majesty to stipulate for this necessary aid as our security, or to advance it from your royal coffers, we do hereby solemnly pledge the faith of these United States to indemnify, or reimburse your Majesty, according to the nature of the case, both for principal and interest, in such manner as shall be agreed upon with our Minister at your Majesty's Court.

449

We beseech the Supreme Disposer of events to keep your Majesty in his holy protection, and long to continue to France the blessings arising from the administration of a Prince, who nobly asserts the rights of mankind.

Done at Philadelphia, the 22d day of November, in the year of our Lord, one thousand seven hundred and eighty, by the Congress of the United States of North America, and in the fifth year of our independence.

Your Faithful Friends and Allies.

SAMUEL HUNTINGTON,
President.

TO GEORGE WASHINGTON.

Translation.

Philadelphia, December 5th, 1780.

Sir,

I flattered myself, that the clothing destined for the army under the command of your Excellency had at length arrived in the river, in the vessel of Paul Jones, or in one of those coming under his convoy; but I regret that you have not yet had that satisfaction. A passenger, who arrived in one of this convoy, told me, that when this little squadron, which left France on the 8th of October, should arrive, they would bring but little clothing, being in great part laden with arms and ammunition; but he added, that the *Serapis* is destined to bring the remainder of the clothing, and that we may hope to see the vessel arrive soon in our ports. I am anxious to have an opportunity of giving your Excellency notice of the arrival of these articles.

450

I have received certain intelligence, that an expedition composed of four thousand troops, convoyed by eight vessels of war, departed on the 16th of October from the Havana to attempt an expedition against Pensacola. But it is thought that the terrible tempests, which they may have received on the passage, may have retarded the fleet.

Another expedition was to depart in the month of December to attack St Augustine. It was to be composed of ten thousand men, regulars and militia, and twelve vessels of war. I wish sincerely that the operation may meet with success, and thus make an advantageous diversion in favor of the United States in that quarter.

The Chevalier de Chastellux, and the officers who had the honor of visiting you at head quarters, desire me to present their respects to you. They hope to have the honor of seeing you again on their return.

I am, &c.

LUZERNE.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

451

New Windsor, December 14th, 1780.

Sir,

Yesterday brought me the honor of your Excellency's favor without date; but which I suppose to have been written on the 5th instant, as it accompanied a letter from the Marquis de Lafayette of that date.

Receive, my good Sir, the expressions of gratitude, which are due to your Excellency for the important intelligence you have communicated, relative to the designs of the Spanish Court upon the Floridas. I have transmitted the account of these interesting events to Count de Rochambeau, and the Chevalier de Ternay, with propositions, which, if acceded to, I shall do myself the honor of communicating to your Excellency.

It would have been fortunate for the army, if your Excellency's feelings for its want of clothing could have been relieved by the agreeable tidings of the arrival of that article; but, alas! we are so accustomed to want, that we dare not flatter ourselves with relief.

Your Excellency's despatches for Rhode Island, accompanying your letter to me, came to hand at the instant the post was setting out, and were committed to his care. It is the only means of conveyance now left me, since the chain of expresses formed by the dragoon horses, which were worn down and sent to their cantonment, have been discontinued. The Quarter Master General has it not in his power, for want of money, to furnish an express upon the most urgent occasion.

I anticipate with much pleasure the visit I shall receive from the Chevalier de Chastellux and the other gentlemen of the French army, on their return to Rhode Island, and beg the favor of your Excellency to present my compliments to them and to M. de Marbois.

452

With great respect and personal attachment, I have the honor to be, &c.

GEORGE WASHINGTON.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, January 15th, 1781.

Sir,

I have just received an authentic copy of a letter from the King to the Duc de Penthièvre, Admiral of France, in relation to prizes taken by American privateers, in the ports of the kingdom. I have thought it proper, Sir, to communicate it to you, in order that the Americans, who take that course may be duly informed of the regulations, which it contains, and may know, that it is the intention of his Majesty, that they shall be treated in the same manner as his own subjects, in the judgment of the prizes, which they shall bring into the ports of the kingdom.

I have the honor to be, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, February 25th, 1781.

Sir,

The undersigned, Minister Plenipotentiary of France, has the honor of informing Congress, that M. de Tilly, commander of the King's sixty gun ship, l'Evillé, arrived in the Chesapeake Bay on the 11th instant, with two frigates. The undersigned has received no news of them later than the 16th, at which time it seems, that the commander of this little squadron proposed to prolong his stay as long as circumstances would permit, in order to co-operate with the land troops commanded by Generals Steuben and Nelson.

453

The Chevalier de la Luzerne does not know how long these vessels will remain in their present station; but as it is important, that the communications between M. de Tilly and Philadelphia should take place with the greatest possible despatch, he requests Congress to inform him, whether the line of expresses has been kept up, and if so, to whom he is to apply in order to make use of it.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, February 28th, 1781.

Sir,

I think it necessary for the information of the department of finance to inform you, that Mr Robert Morris having strongly represented to me, that it was of importance to his operations, and to those of General Washington, to have a stock of bills of exchange, which might enable him to wait for the arrival of the funds brought by Colonel Laurens, I have taken upon myself to authorise him to draw bills of exchange, to the amount of 219,018 livres, 4s. 8d. Funds to that exact amount will be raised, and I hope that my Court will approve of the course, which I have taken, in consideration of the importance of the operations now going on.

454

I have the honor to be, Sir, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 2d, 1781.

Sir,

The undersigned, Minister of France, has the honor of informing Congress, that M. de Tilly has left the Chesapeake Bay with his squadron. He took there ten prizes, among which are two strong privateers, and during his passage from the Chesapeake to Newport in Rhode Island, he met the *Romulus*, of fortyfour guns, pierced for fifty guns. He took her and carried her into Newport, which he entered on the 24th ultimo, with five hundred English prisoners. The Chevalier de la Luzerne is informed, that the *America*, an English vessel, whose fate since the hurricane of the 21st of February had been unknown, has sailed into Gardner's Bay.

The Minister Plenipotentiary of France is desirous, that Congress would be pleased to appoint a committee, to whom he will have the honor of communicating some further information relative to these operations.

LUZERNE.

M. DESTOUCHES TO M. DE LA LUZERNE.

455

Translation.

On Board the Duc de Bourgogne,
March 19th, 1781.

Sir,

The enemy, informed without doubt, in some manner, arrived at the same time with myself at the Capes of Chesapeake Bay, and it would have been impracticable to attempt to disembark the troops, even from the vessels of war, in spite of the English squadron and under its fire. Obligated to renounce, for a time at least, the hope of rendering assistance to the State of Virginia, I have been employed only with the care of preserving the honor of his Majesty's arms, and I flatter myself that it has not suffered in my battle with the enemy.

On the 16th instant, in consequence of a violent south wind, which had carried the squadron to the northeast, we discovered, at break of day, a frigate two gun-shots to windward. A short time after, we perceived several large vessels in rear of the squadron. I had then no doubt that this was the English squadron, which, being informed of my project, had arrived, almost at the same time, upon the coast of Virginia. I immediately made a signal to the squadron to form in line of battle, the English squadron being about two leagues to the south, and running on the same tack with me. At nine o'clock, I tacked, and the enemy did the same. Before one o'clock, afternoon, their vanguard was not more than half a league distant from the rear of my line. Till that time, I had manœvered without avoiding or seeking an engagement, because I perceived, that even the greatest success, with which I could flatter myself, would still render it impossible for me to fulfil my object; but the determined design, which was shown by the enemy of attacking my rearguard, and the honor of the royal arms, which I had to sustain, made me resolve to go and meet him. At one o'clock the firing commenced on both sides; the head of the English line had borne down, and the van of my squadron had done the same, so that the two squadrons fought for some time while running before the wind. A little before two o'clock, I determined to make the squadron haul nearer the wind, a movement, which made the whole squadron file before the head of the enemy's line.

456

This manœuvre completely succeeded; their leading ship had hardly felt the fire of the fifth vessel, when she retired from the engagement, under the escort of a frigate, which came to her assistance. The rear of the English squadron had still continued the combat with my rearguard, but that part of my squadron has sustained little injury. At a quarter before three o'clock, the firing ceased on both sides. The English squadron being in the rear, and to windward of mine, I made a signal to form again in order of battle, which was done in a short time. I then designed to turn again upon the enemy, who appeared to have sustained more injury than my own squadron; but the signals, which were made by the ships *le Conquerant* and *l'Ardent*, informed me that these vessels, and particularly the former, had been considerably injured in the engagement. I then continued to run on the same tack, under easy sail, ready to receive the enemy, if he should think proper to risk a second encounter, but he prudently kept in the rear and to windward during the remainder of the day, without availing himself of the superior advantages of his situation for renewing the engagement.

457

When night came on, the English squadron bore up, and I continued to run to the southeast. On the next morning, I assembled the captains to know the state of their vessels. I found that the rudder and all the masts of the ship, *le Conquerant*, were in the most dangerous state, and that the mainmast of *l'Ardent* was very much injured; and also that several other vessels had received cannon-shots in their lower masts; it was, consequently, determined that the squadron should return directly to Newport to repair.

I cannot too highly praise the courageous boldness, which was shown by the captains, officers, and crews of my squadron, as well as by the troops, embarked as passengers. Their valor made

my force equal to that of the English squadron, which had one vessel more than mine, and if it had been only necessary to the success of our expedition to give the enemy another check, I should have regarded it as certain, notwithstanding the superiority of their forces.

I have the honor to be, &c.

DESTOUCHES.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, March 24th, 1781.

Sir,

The undersigned, Minister Plenipotentiary of France has the honor to inform Congress, that the King, being made acquainted with the situation of the affairs of the confederacy, had resolved to continue during the next campaign the land and sea forces, which are now in this Continent. That unforeseen obstacles had prevented the junction of the second division of sea forces with the first as soon as was expected, but that it was to sail as soon as possible, and that Congress should use their utmost exertions to have their army ready for action without the least delay. 458

But while the King, actuated by his love for the United States, of his mere motion was giving them succors, which he was under no obligation to do, and out of regard to them lessened the efforts, which he could have made for his own advantage, he had reason to expect a proportionable activity from Congress, and he hopes that the United States, which have so much to gain or lose by the issue of the contest, will employ all their resources in the present conjuncture; and that the Congress, who are intrusted with their dearest interest, will hasten to adopt effectual measures for conducting matters to a happy issue.

The Chevalier de la Luzerne, when he communicated to the King the news of the final ratification of the confederation, thought himself warranted to assure his Majesty, that this event would have a happy influence on the councils of this Republic; that they would thereby acquire all the energy necessary for conducting the important business intrusted to them; that the Union would receive new force, and he did not doubt but the ensuing campaign would give decisive proofs of this. And the Minister relies that his hopes, which are the same as are entertained by the whole continent, will not be disappointed. It is at the same time essential, while Congress are making the necessary arrangements for the ensuing campaign, that they should know for certain that they are to count only on their own resources for defraying the expenses that it will require. 459

The frankness of the King, and the friendship he bears to the United States, will not permit him to encourage an error, which they appear to be in, with respect to the pecuniary aids, which they seem to expect. The desire of securing their independence had induced his Majesty to exceed the measure of the engagements he had contracted with them, and he will continue to support their interests, either by powerful diversions or by immediate succors, and they may rely not only on his most scrupulous punctuality in the execution of his engagements, but upon all the extraordinary assistance, which it will be in his power to give them. But as to pecuniary aids, the enormous expenses of the present war, and the necessity of preserving credit, which is the only means of providing for those expenses, do not permit his Majesty's Ministers to give Congress the least hope in that respect.

The Chevalier de la Luzerne will not dissemble, that his Court was exceedingly surprised on being informed of the step, which Congress had taken in disposing of bills drawn on their Minister, although they could not be ignorant that they had no funds for discharging them. This is a conduct totally inconsistent with that order, which his Majesty is forced to observe in his finances, and he has no doubt but in future Congress will most studiously avoid a repetition of it. He has, nevertheless, resolved to discharge the bills, which became due last year, to the amount of one million of livres; and it is probable his Majesty will be able to provide funds to the amount of three millions for the discharge of those, which will become due in the course of the present year.

The King's Ministers have also procured for Dr Franklin, whose zeal, wisdom and patriotism, deserve their utmost confidence, the sums necessary for the purchase he is ordered to make. These expenses, joined to those occasioned by sending a fleet and army to this continent, far exceed what Congress had a right to expect from the friendship of their ally, and the Chevalier de la Luzerne is persuaded, that from this moment Congress will abstain from that ruinous measure of drawing bills of exchange without the previous knowledge and consent of his Majesty's Ministers. And as their attention is employed in what may be most for the convenience of the United States, they propose that Congress should furnish the fleet and army of his Majesty, which are in this country, with the necessary provisions, and receive in payment bills on the treasury of France, which will be punctually discharged. 460

As to the manner in which this arrangement may be made, the Minister will have the honor of entering into a minute discussion with a committee, which he begs Congress would be pleased to appoint to confer with him on the subject.^[43]

LUZERNE.

FOOTNOTE:

[43] The above was referred to a committee of six, namely, Mr Jones, Mr S. Adams, Mr Burke, Mr M'Kean, Mr Madison, and Mr Hanson.

TO GEORGE WASHINGTON.

Translation.

Philadelphia, March 27th, 1781.

Sir,

I have the honor to send to your Excellency an open packet for the Count de Rochambeau. You will there find the copy of a letter to me from M. Destouches. I lament the ill success of an expedition, which, if it had succeeded, would have been doubly agreeable to us by its utility to our allies, and by the honor it would have reflected upon the arms of the King. As to the rest, it appears that our commanders have fulfilled this latter point, and all the world is satisfied, that, having a superior force to contend against, the manner of the contest has been highly honorable to them.

461

I wait for happier events, Sir, from the campaign, which is now about to open, and I doubt not the Count de Rochambeau has given you in detail the news, which he has received from France.

I have the honor to be, &c.

LUZERNE.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Head Quarters, New Windsor, March 31st, 1781.

Sir,

I was last evening honored with your Excellency's favor of the 27th, covering an open letter for the Count de Rochambeau, by which you have been so good as to make me the earliest communication of the action on the 16th, between the French and British fleets off the Capes of the Chesapeake. By the enclosed you will be informed of the return of the former into the harbor of Newport.

I must confess to your Excellency, that I was never sanguine as to the success of that expedition, after the sailing of the two fleets so nearly together, knowing it would turn in great measure upon the arrival of M. Destouches in the Chesapeake before Mr Arbuthnot; a circumstance of the utmost uncertainty, not depending upon the skill or valor of the commanding officer, but upon winds and weather. And I assure you I more sensibly feel the anxiety expressed by the Baron Viomenil and the Chevalier Destouches, lest anything should be attributed to the want of execution on their parts, than I do the disappointment in the plan, which we had in contemplation. But certain I am, that instead of sentiments of so ungenerous a nature, there will be a universal admiration of the good conduct and bravery exhibited by the officers and men of his Most Christian Majesty's squadron, when opposed to one of superior force.

462

I have the honor to be, with the greatest respect and warmest personal attachment, &c.

GEORGE WASHINGTON.

TO GEORGE WASHINGTON.

Translation.

Philadelphia, May 7th, 1781

Sir,

I have the honor to send you the copy of a letter, which I write to the Chevalier Destouches. I pray you to be persuaded, that I do not take upon me to propose an expedition to that commander, except at the pressing entreaties of the invaded States. But if it should be found at variance with the plans of the campaign, which you have formed, I beg you to withdraw my letter to M. Destouches, and the packet addressed to the Count de Rochambeau, from the express, who will deliver this to you, and to send them back to me by the first safe opportunity.

I am, with respectful attachment, &c.

LUZERNE.

TO M. DESTOUCHES.

463

Translation.

Philadelphia, May 7th, 1781.

Sir,

The accounts from Virginia and the other southern States leave no doubt but the English are resolved to attack them in very superior forces. They are already in a condition to command them by the advantage, which they have of transporting themselves by the sea and by all the rivers, as it suits them. Virginia, one of the most powerful States in the Union, finds herself by these means reduced to a state of inaction, and as the Bay of Chesapeake is entirely in the possession of the enemy, it is to be feared that Maryland will find herself shortly in the same condition and in the same danger. It is manifest, that the plan of the English is to harass and desolate them without intermission, to inspire part of the inhabitants with a desire of seeing an end of the quarrel, and when they think their weariness and their calamities are at the height, to make them propositions advantageous enough to withdraw them from the Confederation.

Although these States are firmly attached to their independence, it has in the meantime become very important to make them participate as much as it is possible in the assistance, which his Majesty has granted to his allies, and I can assure you, Sir, that you cannot in present circumstances render them a greater service, than by entering the Bay of Chesapeake, and endeavoring to establish yourself there.

Many other political considerations, into the details of which I shall not enter, press that measure, and if it be possible for you to carry it into execution, I have reason to believe that you will entirely disconcert the enemy's plans against Virginia and Maryland, and when you shall have given to those two States the liberty of exerting themselves, you will contribute very much at the same time to the relief of the more southern, by the assistance which they will be capable of affording. Your position in the Bay of Chesapeake will restrain also their communication between New York and Charleston, and perhaps prevent other events, which may be yet more grievous to the invaded States.

464

In giving, Sir, my opinion upon the utility of the movement, I avow to you that I am totally incapable of forming one as to the possibility of carrying it into execution. I have had the honor of transmitting to you from time to time the details and plans, which can enable you to form a judgment. M. de Tilly having been better situated during his stay in Hampton Roads to make the necessary observations, you can decide by them. I pray you also to regard my entreaties, although pressing as the circumstances render them, as entirely subordinate to the instructions, which you may have received from the Court.

I do not propose to you to change your position, only upon a supposition that you have no orders to the contrary, and that you have received no other destination.

As to the measures you are in this case to expect from the States, which you will go to assist, I beg you to assure yourself, Sir, that they will spare nothing to satisfy you, and if an assemblage of land forces is judged necessary, as I presume it will be, they will send their instructions in consequence of it to the officers who command them.

465

I have the honor to be, &c.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 9th, 1781.

Sir,

Congress has been pleased, by a resolution, dated the 10th of November last, to take the measures suggested by the undersigned Minister of France, concerning the abuse by the English, of the papers, letters of marque, and commissions, which they find on board of the American vessels, of which they succeed in gaining possession. The Governors of our Islands observe, that the precautions pointed out in the resolution of Congress are insufficient, unless, independently of the vessels and ships of war, they extend to merchant vessels, and, in general, to all ships sailing from this continent. The similarity of language enables the English to gain admission into our Islands with great facility, by means of intercepted papers, and to send their spies and emissaries into the very middle of our ports, where their presence may be most dangerous.

The said Governors remark, that the greater part of the vessels, which arrive at the Islands, do not conform to the resolutions of Congress; and, although they carry letters of marque, yet they do not take the precautions required by them. The undersigned requests, that this Assembly would be pleased to consider these observations, and to adopt, on this subject, such measures as shall seem best adapted to prevent the abuses in question.

466

The commanding officer of St Domingo is also desirous, that Congress should be informed that the commanders of the American frigates have, while stationed at the Cape, given strong proofs of zeal for the common cause, whether in cruising against the enemy, or in convoying, at their departure, merchant vessels sailing from that Colony.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 22d, 1781.

Sir,

I have the honor of sending you a copy of a letter from the King, in answer to that written to him from Congress, on the 22d of November last. I shall have the honor of sending you the original this evening.

My despatches contain several important subjects, which I shall hasten to communicate to Congress, as soon as they shall be wholly decyphered.

I have the honor to be, &c.

LUZERNE.

THE KING OF FRANCE TO CONGRESS.

To our Very Dear Great Friends and Allies, the President and Members of the General Congress of the United States of North America.

Very Dear Great Friends and Allies,

We have received your letter of the 22d of November last, which Dr Franklin was ordered to place in our hands. We have seen with pain, the picture of the embarrassment of your finances, and we have been so much touched by it, that we have resolved to assist you as much as our own necessities, and the extraordinary and very great expenses required on our part by the war, which we are carrying on for your defence, will permit. We have ordered the Chevalier de la Luzerne to acquaint you more particularly with our intentions. We are already convinced, that the details into which he shall enter, will induce you to make the greatest efforts to second our own, and that you will be more and more convinced by them, that we take the most sincere interest in the cause of the United States, and that we are employing every means in our power to ensure their final triumph. You may rely upon our perseverance in the principles, which have hitherto directed our conduct; it is exerted upon all occasions; as well as upon the sincere affection, which we entertain for the United States in general, and for each one of them in particular.

467

We pray God, very dear great Friends and Allies, to keep you in his holy protection.

Written at Versailles, this 10th of March, 1781.

Your good friend and ally,

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Weathersfield, May 23d, 1781.

Sir,

The letter, which I have the honor to enclose from the Count de Rochambeau, will, I imagine, inform your Excellency of the intended march of the French army towards the North River, and of the destination of the King's squadron now in the harbor of Newport, if circumstances will admit of the respective movements. I should be wanting in respect and confidence, were I not to add, that our object is New York. 468

The season, the difficulty and expense of land transportation, and the continual waste of men in every attempt to reinforce the Southern States, are almost insuperable objections to marching another detachment from the army on the North River; nor do I see how it is possible to give effectual support to those States, and avert the evils which threaten them, while we are inferior in naval force in these seas. It is not for me to know in what manner the fleet of his Most Christian Majesty is to be employed in the West Indies this summer, or to inquire at what epoch it may be expected on this coast; but the appearance and aid of it in this quarter are of such essential importance in any offensive operation, and so necessary to stop the progress of the enemy's arms, that I shall be excused, I am persuaded, for endeavoring to engage your Excellency's good offices in facilitating an event on which so much depends. For this I have a stronger plea, when I assure you that General Rochambeau's opinion and wishes concur with mine, and that it is at his instance principally that I make you this address.

If we are happy enough to find your Excellency in sentiment with us, it will be in your power to inform the Count de Grasse of the strength and situation of the enemy's naval and land force in this country; the destination of the French squadron under Admiral Barras and the intention of the allied arms, if a junction can be formed. At present, the British fleet lies within Block Island, and about five leagues from Point Judith. 469

The Count de Rochambeau and the Chevalier Chastellux agree perfectly in sentiment with me, that, while affairs remain as they now are, the West India fleet should run immediately to Sandy Hook, if there are no concerted operations, where they may be met, with all the information requisite, and where, most likely, it will shut in, or cut off Admiral Arbuthnot, and may be joined by the Count de Barras. An early and frequent communication from the Count de Grasse would lead to preparatory measures on our part, and be a means of facilitating the operation in hand, or any other which may be thought more advisable.

I know your Excellency's goodness, and your zeal for the common cause too well, to offer anything more as an apology for this liberty; and I persuade myself it is unnecessary for me to declare the respect and attachment, with which I have the honor to be, &c.

GEORGE WASHINGTON.

TO THE PRESIDENT OF CONGRESS.
Translation.

Philadelphia, May 25th, 1781.

Sir,

The undersigned Minister Plenipotentiary of France has the honor of informing Congress, that it has been found impossible to send the second division of the troops under the command of Count de Rochambeau, and of the French squadron designed for the defence of the coasts of the Thirteen States, and that it can no longer be expected during the course of this campaign. The necessary measures have, however, been taken for increasing the body of troops now at Rhode Island, and, by sending some vessels of force, for putting the squadron into a condition to enter again upon active service. 470

The undersigned requests Congress to be pleased to appoint a committee, to whom he will communicate the causes which have occasioned this change; and Congress will find in them new proofs of the wisdom of the motives, which direct the conduct of his Majesty. But if considerations of the greatest importance deprive him of the satisfaction of assisting the Thirteen United States in their own country, by sending a number of vessels and of auxiliaries, as considerable as he had proposed, he will make no less vigorous efforts against the enemy; and he hopes that these powerful diversions will prevent the enemy from forming any enterprise, to which the resources and the courage of the Thirteen States shall be unequal.

The King has, at the same time, resolved to give a new proof of his affection and of his earnest desire to afford a remedy for the difficulties, which they experience in procuring the funds necessary for acting with vigor and effect during the present campaign. With this view, the King, notwithstanding the immense expense at which he is obliged to support the war in which he is engaged, has resolved to dispose of a considerable fund, which shall be appropriated to the purchase of clothing, arms, and stores, for which Dr Franklin has been instructed to ask. The Count de Vergennes will concert measures on this subject with the Minister Plenipotentiary of the United States, Dr. Franklin; and M. Necker proposes to take the proper precautions, in order that the merchandise may be of a good and sound quality, and at a price answering to its exact value.

471

The subsidy which the King has resolved to grant to the Thirteen United States amounts to six millions of livres tournois, independent of the four millions, which the Ministry have enabled Dr Franklin to borrow for the service of the current year. It is presumed, that this sum of six millions will not be wholly applied to the purchase of the articles asked for; and in that case, it is his Majesty's intention that the surplus should be reserved, that it may be at the disposal of Congress, or of the Superintendent of the finances of the Thirteen States, if they think proper to confide the management of it to him. It has not been possible for the Court, by reason of the speedy departure of the vessel which brought this intelligence to the undersigned Minister, to determine what will be the amount of the sums of money remaining after the purchase of the above mentioned articles, but lest there should seem to be any delay in supplying the wants of the Thirteen States, the Chevalier de la Luzerne takes it upon himself, without waiting for any further orders, to fix the amount of these sums at fifteen hundred thousand livres tournois, and if Congress, in fact, think that they shall need this whole sum, he will without delay inform his Court of it, in order that the necessary measures may be taken for discharging the bills of exchange, which shall consequently be drawn. As it is the intention of the King, that the greatest regularity shall take place in the payments, it will be well for the undersigned to agree with Congress, or with the Superintendent of Finance, and fix upon the times at which these bills shall be negotiated, and upon those at which they shall be payable. It is necessary that these times of payment should be at sufficient distances from each other, so that the department of finance may not be obliged to pay considerable sums in too short intervals of time.

472

The intention of the King, in granting to the Thirteen States this purely gratuitous subsidy, is to put them in a condition to act vigorously during this campaign; and his Majesty is desirous that Congress would be pleased to give the necessary orders, that it may be entirely applied to this important object, which admits of no delay. The communications, which the undersigned is instructed to make to Congress, will convince that body of the necessity of losing no time.

LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, May 26th, 1781.

Sir,

The underwritten, Minister Plenipotentiary of France, has received orders to communicate to Congress some important details touching the present situation of sundry affairs, in which the United States are immediately interested. The most essential are in regard to some overtures, which announce on the part of Great Britain a desire of peace. The Empress of Russia having invited the King and the Court of London to accept her mediation, the latter Court considered this as a formal offer and accepted it. This Court appeared at the same time to desire the Emperor of Austria to take part therein; and this Monarch has in fact proposed his co-mediation to the belligerent powers in Europe.

473

The King could not but congratulate himself on seeing so important a negotiation in the hands of two mediators, whose understanding and justice are equal. Nevertheless, his Majesty, actuated by his affections for the United States, returned for answer, that it was not in his power to accept the offers made to him, and that the consent of his allies was necessary. The King wishes to have this consent before he formally accepts the proposed mediation. But it is possible that circumstances joined to the confidence he has in the mediators, and the justice of his cause, and that of the United States, his allies, may determine him to enter upon a negotiation before the answer of Congress can reach him.

But in either case, it is of great importance, that this Assembly should give their Plenipotentiary instructions proper to announce their disposition to peace, and their moderation, and to convince the powers of Europe, that the independence of the Thirteen United States, and the engagements they have contracted with the King, are the sole motives, which determine them to continue the war; and that whenever they shall have full and satisfactory assurances on these two capital points, they will be ready to conclude a peace. The manner of conducting the negotiation, the extent of the powers of the American Plenipotentiary, the use to be made of them, and the

confidence that ought to be reposed in the French Plenipotentiaries and the King's Ministers, are points, which should be fully discussed with a committee.

And the underwritten Minister entreats, that Congress would be pleased to name a committee with whom he will have the honor to treat. He thinks that this Assembly will be sensible, that the King could not give a greater mark of his affection for the Thirteen United States, or of his attachment to the principles of the alliance, than by determining not to enter upon a negotiation before they were ready to take part therein, although in other respects, his confidence in the mediators, and the relation he stands in to one of them, were sufficient motives to induce him to accept their offers. Congress are too sensible of the uncertainty of negotiations of this sort not to know, that the moment of opening them is that precisely when the efforts against the enemy ought to be redoubled; and that nothing can facilitate the operation of the negotiators so much as the success of the arms of the allies; that a check would be productive of disagreeable consequences to both, and that the enemy would rise in their pretensions, their haughtiness, and obstinacy, in proportion to the languor and slackness of the confederates.

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The undersigned will have the honor to communicate to the committee some circumstances relative to the sending Mr Cumberland to Madrid; to the use, which Mr Adams thought he was authorised to make of his Plenipotentiary powers; to the mission of Mr Dana; to the association of the neutral powers; and to the present state of affairs in the south. Congress will find new motives for relying on the good will of the King, and on the interest he takes in favor of the United States in general, and of each one of them in particular.

LUZERNE.

REPORT OF A CONFERENCE WITH THE FRENCH MINISTER.

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In Congress, May 28th, 1781.

The committee appointed to confer with the Minister of France, report,

That the Minister communicated some parts of a despatch, which he had received from the Count de Vergennes, dated the 9th of March, 1781. That the resolves of Congress, which had been adopted on the association of the neutral powers, were found very wise by the Council of the King, and that it was thought they might be of service in the course of the negotiation. The French Ministry did not doubt but they would be very agreeable to the Empress of Russia. But they were not of the same opinion with respect to the appointment of Mr Dana, as a Minister to the Court of Petersburg. The reason is, that Catharine the Second has made it a point until now to profess the greatest impartiality between the belligerent powers. The conduct she pursues on this occasion is a consequence of the expectation she has, that peace maybe re-established by her mediation; therefore, she could by no means take any step, which might show on her side the least propension in favor of the Americans, and expose her to the suspicion of partiality towards America, and of course exclude her from the mediation. The appointment of Mr Dana, therefore, appears to be at least premature, and the opinion of the Council is, that this deputy ought not to make any use of his powers at this moment. In case he applies to the Count de Vergennes for advice, he shall be desired to delay making any use of his powers. The Count observes, it would be disagreeable to Congress that their Plenipotentiary should meet with a refusal, that their dignity would be offended, and that such a satisfaction ought not to be given to the Court of London, especially when negotiations of a greater moment are about to commence. However, the French Minister had orders to assure the committee, that his Court would use all their endeavors in proper time, to facilitate the admissions of the Plenipotentiary of Congress.

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The Minister communicated to the committee several observations respecting the conduct of Mr Adams; and in doing justice to his patriotic character, he gave notice to the committee, of several circumstances, which proved it necessary that Congress should draw a line of conduct to that Minister, of which he might not be allowed to lose sight. The Minister dwelt especially on a circumstance already known to Congress, namely, the use which Mr Adams thought he had a right to make of his powers to treat with Great Britain. The Minister concluded on this subject, that if Congress put any confidence in the King's friendship and benevolence; if they were persuaded of his inviolable attachment to the principle of the alliance, and of his firm resolution constantly to support the cause of the United States, they would be impressed with the necessity of prescribing to their Plenipotentiary a perfect and open confidence in the French Ministers, and a thorough reliance on the King, and would direct him to take no step without the approbation of his Majesty; and after giving him, in his instructions, the principal and most important outlines for his conduct, they would order him, with respect to the manner of carrying them into execution, to receive his directions from the Count de Vergennes, or from the person who might be charged with the negotiation in the name of the King.

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The Minister observed, that this matter is the more important, because, being allied with the United States, it is the business of the King to support their cause with those powers with whom Congress have no connexion, and can have none, until their independence is in a fair train to be acknowledged. That the King would make it a point of prudence and justice to support the Minister of Congress; but in case this Minister, by aiming at impossible things, forming

exorbitant demands, which disinterested mediators might think ill-founded, or perhaps by misconstruing his instructions, should put the French negotiators under the necessity of proceeding in the course of the negotiation without a constant connexion with him, this would give rise to an unbecoming contradiction between France and the Thirteen United States, which could not but be of very bad effect in the course of the negotiation.

In making these observations, the Minister remarked, that it was always to be taken for granted, that the most perfect independency is to be the foundation of the instructions to be given to Mr Adams, and that without this there would be no treaty at all. The Count de Vergennes observes, that it is of great importance that the instructions aforesaid be given as soon as possible to Mr Adams. And the Minister desired the committee to press Congress to have this done with all possible despatch.

He communicated to the committee the following particulars, as a proof that this matter admits of no delay, and that it is probable the negotiation will very soon be opened. He told the committee that the English Ministry, in the false supposition that they might prevail on the Court of Madrid to sign a separate peace, had begun a secret negotiation with that Court, by the means of Mr Cumberland, but without any success. That the Court of Spain had constantly founded her answer on her engagements with his Most Christian Majesty. That on the other side, the King of France had declared to the King, his cousin, that the independence of the United States, either in fact, or acknowledged by a solemn treaty, should be the only foundation of the negotiations of the Court of France with that of London. That the British Court not seeming to be disposed to grant the independency, it appeared the negotiation of Mr Cumberland was superfluous. However, this English emissary continued, and still continues, his residence at Madrid, although he cannot have any expectation of obtaining the object of his commission. That this direct negotiation was known to all Europe, and that it seemed to render every mediation useless. That, however, the Empress of Russia, excited by motives of friendship to the belligerent powers, and in consequence of the share, which the association of the neutral powers had given her in the general emergency, has invited the king of France and the Court of London to require her mediation. That the Court of London has accepted the invitation with a kind of eagerness, and at the same time desired the Emperor of Germany to take a part in it. That the answer of the King of France to the overtures of the Court of Petersburg was, that he should be glad to restore peace by the mediation of Catharine, but that it was not in his power immediately to accept her offers, as he had allies whose consent was necessary for that purpose.

To the same application made by the Court of Petersburg to that of Madrid, this Court answered, that having entered into a direct negotiation with the Court of London, by the means of Mr Cumberland, it thought proper to wait the issue of it before it had recourse to a mediation. The Emperor, as has already been observed, having been desired by the Court of London to take part in the mediation, immediately informed the King of France, as well as his Catholic Majesty, of this circumstance, offering his co-mediation to both the allied Monarchs. To this, the King of France gave the same answer, which he had given to the Empress of Russia. As to the King of Spain, he again expressed his surprise at the English Ministry's requesting a mediation, after having entered into a direct negotiation; and he declared, that unless this negotiation should be broken off by the English themselves, it would be impossible for him to listen to a mediation, which, in any other circumstance, would be infinitely agreeable to him.

These answers, though of a dilatory nature, may be looked upon as an eventual acceptance of the mediation. The Minister observed, that it will be, in effect, difficult to avoid it. That a refusal will not be consistent with the dignity of the two powers, that had offered their interposition. That the King is obliged, from friendship and good policy, to treat them with attention. He further observed, that the demands of the King of France will be so just and so moderate, that they might be proposed to any tribunal whatever. That the only reason the King could have to suspend a formal acceptance is, that, at the time the offer was made, he was not acquainted with the intentions of his allies, namely, Spain and the United States.

The Minister observed to the committee, that in his opinion this conduct must afford Congress a new proof of the perseverance of the King in the principles of the alliance, and of his scrupulous attention to observe his obligations; he added, that, however, it is not without inconveniency, that this dilatory plan has been adopted. The distance between the allied powers of France and the United States, has obliged the Court of Versailles to adopt that plan, though liable to inconveniences, in order to conform to the engagements made by the treaties, to determine nothing into a negotiation without the participation of Congress. Besides, several States being invaded by the enemy, the French Council thought it inconvenient to begin a negotiation under these unfavorable circumstances. And being in hopes that the diversions made by the King's arms, will prevent the British from making very great exertions against the Thirteen United States, the French Ministry expected, that during the course of the present campaign they might be enabled to present the situation of their allies in a more favorable light to the Congress, that might assemble for peace. These delays, however, cannot with propriety take place for any long time, and it was the opinion of the French Ministry, that it would be contrary to decency, prudence, and the laws of sound policy, again to refuse listening to the propositions of peace made by friendly powers; for which reason, the Chevalier de la Luzerne was directed to lay all these facts confidentially before Congress.

The Minister informed the committee, that it was necessary, that the King should know the intentions of the United States with regard to the proposed mediation, and that his Majesty

should be authorised by Congress to give notice of their dispositions to all the powers, who would take part in the negotiation for a pacification. The Minister delivered his own opinion, that he saw no inconveniency arising from the Congress imitating the example of the King, by showing themselves disposed to accept peace from the hands of the Emperor of Germany and the Empress of Russia. He added, that Congress should rely on the justice and wisdom of those two Sovereigns; and at the same time, he renewed the assurances, that his Majesty will defend the cause of the United States as zealously as the interests of his own Crown.

He informed the committee, that according to all accounts, the British Ministry were removing as far as possible, in this negotiation, every idea of acknowledging the independence of what they call their Thirteen Colonies; and he said, that Congress would judge by themselves, that the Court of London would debate with the greatest energy and obstinacy the articles relating to America. He availed himself of this reflection to impress the committee with the necessity Congress are under, of securing in their favor the benevolence and good will of the mediating powers, by presenting their demands with the greatest moderation and reserve, save independence, which will not admit of any modification. He further observed, that it was possible the difficulty of making a definitive peace might engage the mediators to propose a truce; and that it was necessary, therefore, to authorise eventually the Plenipotentiary of the United States to declare their intention thereon. 482

He further observed, that whatever might be the resolution of Congress, they would do well to recommend to their Plenipotentiary to adopt a line of conduct, that would deprive the British of every hope of causing divisions between the allies, and to assume a conciliating character, as much as can be consistent with the dignity of his constituents, and to show such a confidence in the Plenipotentiary of his Most Christian Majesty, as is due to a power so much interested to support the dignity and honor of a nation, whose independence they have acknowledged.

The Minister told the committee, that whatever might be the resolution of Congress, respecting a peace or a truce, it was necessary to carry on the war with the utmost vigor. He urged reasons too well known to Congress to be related.

He desired the committee to inform Congress, that in case the offer of mediation from the two Imperial Courts should become so serious and so pressing, as to oblige the King to give a decisive answer, his Majesty would accept of it conditionally for himself and for the United States. The taking this resolution would have no inconvenience, as the Court of France knew no reasons, which could prevent them from following the example of the King, by trusting their interests in the hands of just and wise mediators, and the refusal being liable to very dangerous consequences. The Minister concluded the conference by observing, that a great object was to secure the United States from the proposition of *uti possidetis*; that the surest way to obtain that end was to reduce the English to confess, that they are not able to conquer them. That present circumstances require great exertions from the consideration, and that it was plain that every success gained by the army of Congress would infinitely facilitate the negotiations of their Plenipotentiaries. ^[44] 483

FOOTNOTE:

[44] *June 6th.* "Resolved, That the Minister Plenipotentiary, be authorised and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany; but to accede to no treaty of peace, which shall not be such, as may effectually secure the independence and sovereignty of the Thirteen States, according to the form and effect of the treaties subsisting between the said States and his Most Christian Majesty, and in which the said treaties shall not be left in their full force and validity."

CONGRESS TO THE KING OF FRANCE.

The United States in Congress assembled, to their Great Faithful and Beloved Friend and Ally, Lewis the Sixteenth, King of France and Navarre.

Great, Faithful, and Beloved Friend and Ally,

We have received your Majesty's letter of the 10th of March. The measures adopted by your Majesty in consequence of the representation made of the situation of our finances, the repeated testimonies of your Majesty's unalterable determination to render the cause of the United States triumphant, and also the affection, which your Majesty has been pleased to express for the United States in general, and for each State in particular, demand from us the strongest sentiments of gratitude.

The important communications made by your Majesty's Plenipotentiary have been considered by us with the greatest attention. The result of our deliberations will be made known to your Majesty by our Minister Plenipotentiary at your Court, and will evince the entire confidence we have in your Majesty's friendship and perseverance in the principles, which have directed your 484

conduct in maintaining the interest of the United States to this time.

We pray God, that he will keep your Majesty, our great, faithful, and beloved friend and ally, in his holy protection.

Done at Philadelphia, the 13th day of June, in the year of our Lord, 1781, and in the fifth year of our independence.

By the United States in Congress assembled.

Your Faithful Friends and Allies.

SAMUEL HUNTINGTON,
President.

CHARLES THOMSON, *Secretary.*

TO GEORGE WASHINGTON.

Translation.

Philadelphia, June 1st, 1781

Sir,

I have received the letter, which your Excellency did me the honor to write on the 23d of the past month, and that of the Count de Rochambeau, with which it was accompanied.

I wait with extreme impatience the news of the arrival of the French division before New York, and no one can desire more earnestly than I do to see it under your immediate command. I hoped that you would have been this spring in the command of a more considerable body of auxiliaries. The causes, which have hindered the execution of that plan, have been so urgent and so decisive, that I am sure you will approve them, after I shall have had the honor of making you acquainted with them. I have nevertheless been much pained, that I could not explain to you this change of measures, and my attachment to the cause, which you defend, has made me feel as sensibly as any citizen of America all the delays, that could happen to the assistance, which we wish to give to the Thirteen States.

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I am impressed with the necessity of maintaining a perfect confidence with your Excellency upon these different points, and I shall seize the first occasion which presents itself to visit your army.

In the meantime I shall transmit to the Count de Grasse what your Excellency did me the honor to communicate. Be persuaded that I shall use the most pressing motives to determine him, and I shall do it with so much the more zeal, as I feel the necessity of it. I shall transmit to that General an extract of your letter, and I know nothing more likely to give weight to the demand, which I shall make of him.

The King has charged me, Sir, to inform Congress, that he grants them a gratuitous subsidy to enable them to make the greatest efforts in the course of this campaign. This subsidy, amounting to *six millions of livres tournois*, is to be employed in the purchase of arms, ammunition, and clothing, and it is the intention of the King, that the surplus shall be at the disposal of Congress. I have not been instructed as to what will be the exact amount of this surplus, but it is determined, that one million and a half shall be employed by the Superintendent of Finance, according to the directions, which you shall give him, after the arrangements you shall make with him in the visit, which he intends paying you.

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I have informed Congress, and I intrust it to your Excellency, that the Emperor of Austria, and the Empress of Russia, have offered their mediation to the Court of London, who has accepted it. The same has also been offered to the Court of Versailles, and that of Madrid. But they have given for answer, that time must be left for Congress to determine, if it suits them to put the interests of the Thirteen United States into the hands of the mediators. In any event, it is of the greatest importance, that the allies make all their efforts to drive the enemy from this continent, and nothing will be more likely, than the success of the confederate arms, to make a successful negotiation.

I have the honor to be, &c.

LUZERNE.

GEORGE WASHINGTON TO M. DE LA LUZERNE.

Sir,

His Excellency the Count de Rochambeau having requested me to forward the despatches herewith transmitted, by the safest possible conveyance, I now do myself the honor to send them by a gentleman of the Quarter Master General's department.

Having been made acquainted by the Count de Rochambeau with the designs of the Count de Grasse, to come to this coast with his fleet, I cannot forbear expressing to your Excellency my ardent wishes, that a body of land forces might also attend this naval armament; as I am apprehensive such a decided superiority of men may not be drawn together by us, by the time the Count de Grasse will be here, as to insure our success against the enemy's most important posts; as his continuance in these seas may be limited to a short period, and as the addition of a respectable corps of troops from the West Indies would, in all human probability, terminate the matter very soon in our favor. If these should likewise be your sentiments, and if this plan should not interfere with the intentions and interests of his Most Christian Majesty elsewhere, I entreat your Excellency, by the first good conveyance, to represent the propriety and necessity of the measure to the commanders in the West Indies; that by one great decisive stroke the enemy may be expelled from the continent, and the independence of America established at the approaching negotiation.

I have the honor to be, &c.

GEORGE WASHINGTON.

REPORT OF A CONFERENCE WITH THE FRENCH MINISTER.

In Congress, June 18th, 1781.

The committee appointed to confer with the Minister Plenipotentiary of France, report,

That on the second conference with the Minister of France, he communicated some parts of a despatch, dated the 7th of August, 1780, the first part relating to losses suffered by French merchants, either trading with private houses in America, or engaged in transactions of commerce for Congress, or the several States. He informed the committee that several papers, which should have accompanied this despatch, were not come to hand, so that he could not state what kind of compensation the merchants might expect. The Minister, however, mentioned in the conference, that without waiting the arrival of those papers, which may have been lost, or may be delayed for a long time, some recommendation might be thought proper to be sent from Congress to the several States, in order to prevent forever the effect of the tender laws operating against foreign merchants; that this would be an encouragement to commerce, and remove the fears of foreign traders in their transactions with the citizens of the United States. The Minister communicated that part of the Count de Vergennes' letter relating to the discussion between him and Mr John Adams, with respect to the depreciation of the paper money, and the effect this had produced on the French trade; however, he did not enter fully into the matter, not being furnished with the proper papers.

The other objects of the communications of the Minister of France were the measures taken by the Court of Russia, and the northern powers, on account of the rights of neutrality, and the conduct to be observed by the belligerent powers towards subjects of neutral powers; and he informed the committee, that those northern Courts had made formal declarations to the powers at war respecting the principles of neutrality; and that they had concluded a convention for the security of their navigation and of their fair trade. That this convention was particularly obnoxious to the Court of London, as it was now obliged to respect neutral flags, which it had till then treated with the greatest severity, exercising against them every kind of depredation, according to its former practice. That France fully approved of that convention, the consequence of which was, that all the powers concerned, while they did justice to the principles of the King's Council, considered the British more and more as the tyrants of the sea.

The King's Council, therefore, thought it proper to transmit this intelligence to Congress, leaving it to their wisdom to adopt the principles of the neutral powers laid down so long ago as the 26th of July, 1778, in an ordinance of the King, which the Minister of France delivered several months ago, with other printed papers on the same subject, to the Board of Admiralty. The Minister thought it the more important for the United States to conform their maritime laws to that system, as they would thereby conciliate to themselves the benevolence of the neutral powers. He observed, that American privateers had presumed to stop neutral vessels loaded with English merchandise, which had given rise to unfavorable observations and complaints against the United States. He observed, that Holland had taken a part in the association of the northern Courts; and that therefore she ought to be comprehended in the orders of Congress, if it should be thought proper in those orders to mention the names of particular powers. But if Congress adopted a conduct similar to that of France, they would extend their orders in favor of all neutral

powers generally.

The Minister then gave a short historical account of the negotiation of Mr Cumberland, observing that the matter being now obsolete, it was sufficient to mention that this agent, having made proposals of peace to the King of Spain, the first question he was asked was, what were the intentions of the Court of London respecting the United States? That he, having no instructions on this subject, or pretending to have none, had sent an express to London. That the express had not returned when this letter was written.

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The Minister informed the committee, that the Court of Versailles had neglected nothing to procure arms, ammunition, and clothing, for Congress. That the good intentions of the Court had not been well seconded by the American agents; that it was their fault if these articles had not been forwarded in time; that the Ministers did not intend to accuse any one in particular; but were of opinion, that Congress should inquire into the cause of the delay, in order to inflict such punishment as would prevent the like conduct in future.

The Minister then communicated the substance of a despatch of the 9th of March, 1781; and entering fully into the subject, he told us, that so early as the beginning of the year 1780, he had informed Congress, that a mediation might be opened in Europe. That the mediators might propose the *uti possidetis* as the basis of the negotiation. That it was of the utmost importance to prevent the effect of a proposition, so inconsistent with the independence of the United States. That the Court of France wished to give them every assistance in their power; but he had observed at the same time, that the political system of the kingdom, being closely connected with that of other European powers, France might be involved in difficulties, which would require the greatest attention, and a considerable part of her resources. That he had informed Congress confidentially, that the death of the Sovereigns of some of the European States, with whom the Court of France had the most intimate connexion, might oblige her to employ the greatest part of her resources to secure her against the dangers, which might be occasioned by such an event. That since that communication was made to Congress, both those cases had happened. That the Empress Queen was dead. That the Court of Versailles flattered itself, that this will not at this time give rise to any material change in the politics of the Courts of Vienna and Berlin. That circumstances, however, are such, that prudence dictates not to leave the frontier of France bordering on Germany unprovided for defence. That the character the King bears of guarantee or protector of the liberties of the German empire, obliges him to be ready to assist effectually the members of that body, whose safety may be endangered, and of consequence occasions extraordinary expenses. That France is at the same time obliged to spare the land forces of the kingdom, and at the present crisis not to keep them at too great a distance. That this, however, is only a point of caution and prudence. That the Court of France still hopes the issue will be peaceable and agreeable to her wishes; but has thought it proper to inform Congress of it.

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That matters are different with respect to the Dutch. That they are now in a state of war with the English; but there is among them a party in favor of England; and notwithstanding the accession of the two opposing provinces to the resolution of the States for making reprisals, a mediation has been entered into between London and the Hague; and the Empress of Russia acts as mediatrix. That it is evident the Court of London, by opening this negotiation, designs to draw the Seven Provinces to her side; and even goes so far as to expect, that she may employ the resources of the Dutch against France, either directly or indirectly. That the disposition of that Republic is still such as friends would wish. But the strongest argument, which the British party make use of to separate the Seven Provinces from France is, that they are destitute of a naval force; that their seamen are captured by the British; that all their riches will likewise fall a sacrifice; and that their settlements in the East and West Indies are in the greatest danger. That under these circumstances it was become necessary for France to afford immediate protection to the Dutch in Europe; and to make without delay a diversion, which may possibly save their East India possessions. That these measures had rendered it actually impossible to send to the United States the reinforcement, which was announced.

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The Minister of France thinks, that this confidential and friendly explanation of the situation of France will convince Congress, that the King could not pursue a different line of conduct; and that the consequences of the measures he has taken must at last turn to their advantage. That, however, Count de Rochambeau and M. Barras will receive some reinforcements, and will inform the Chevalier de la Luzerne how considerable they are.

The Minister told the committee, that the friendship and benevolence of the King for the Thirteen United States had engaged him to trust Congress with these details, observing at the same time, that it would be proper to keep them secret.

In giving an account of the subsidy granted by the King of France, the Minister concluded by observing, that the Count de Vergennes writes, that what remains of the six millions, after purchasing the supplies of arms and ammunition, would be at the disposal of Congress; or if they should so direct, at the disposal of the commander in chief, or of their financier, if there should be one; and that the resolution Congress took on this subject should be made known to the Ministry, that funds may be provided accordingly. In the course of the conference the Chevalier mentioned the sums, that had been procured for these States since the beginning of the year 1780. That in that year the Count de Vergennes had, on his own credit, procured for Dr Franklin three millions of livres. That in December Dr Franklin wanted one million more to honor the bills drawn by Congress; and that he received the fourth million. That in the course of the present

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year, the Count has procured for him on loan four millions of livres, which make eight millions borrowed on the guarantee of France, since the aforementioned period. And now the King makes a gratuitous donation of the subsidy of six millions, which in the whole make up the sum of fourteen millions, since the commencement of the year 1780.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 1st, 1781.

Sir,

I am ready to go to the army of General Washington, and I shall have the honor of receiving your commissions this evening. My absence will, probably, be of short duration; I think it proper, however, to inform you, that M. de Marbois will perform, during this interval, the duties of *Chargé d'Affaires* of his Majesty, and I entreat you, Sir, to be pleased to honor him with your confidence, in case you have any communications to make to, or receive from, the King's embassy.

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I have the honor to be, &c.

LUZERNE.

M. DE MARBOIS TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 9th, 1781.

Sir,

The undersigned, *Chargé d'Affaires* of France, has the honor of informing Congress, that the Count de Barras, commander of his Majesty's squadron stationed on the coasts of the Thirteen States, labors at this moment under an urgent necessity of completing his crews. The diseases, which have prevailed on board of this squadron, the battle in which it has been engaged, a long absence from the ports of the kingdom, and the manœuvres employed by many individuals to excite the French sailors to desertion, are causes, which have diminished in a considerable degree the number of those, who were employed on board of this squadron. The undersigned is instructed to communicate these circumstances to Congress. The French commander thinks, that if he may be authorised by the Legislatures of the New England States to impress French sailors, and to remove them from the different vessels, in which they may be found, he will very soon be enabled to remedy the diminution of numbers, which he has experienced.

MARBOIS.

M. DE MARBOIS TO THE SECRETARY OF CONGRESS.

Translation.

Philadelphia, July 11th, 1781.

Sir,

I have received, in the absence of the Chevalier de la Luzerne, the letter which you took the trouble to write, to inform that Minister of the King, that the Honorable Thomas McKean had been chosen President of Congress, in the place of the Honorable Samuel Huntington. I shall communicate this change to his Majesty's Minister, on his return to Philadelphia, and also to the Minister having the direction of Foreign Affairs in France. We are very sorry to see that Mr Huntington is obliged, by ill health, to resign an office, in the exercise of which he has given frequent proofs of his wisdom, and of his attachment to the Thirteen States, and to the alliance. But the choice by Congress of the Honorable Mr McKean, leaves nothing to be wished for, and I can assure you, Sir, that his Majesty's Minister will be eager to show to him the same confidence, which he has shown to his predecessor, and that we shall use all exertions to merit his in return.

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I have the honor to be, &c.

MARBOIS.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 20th, 1781.

Sir,

The undersigned, Minister Plenipotentiary of France, has the honor of informing Congress, that he has received despatches from his Court, the contents of which may be interesting to this Assembly, and that he is desirous of communicating them to it through a committee, if Congress shall be pleased to appoint one to confer with him. These communications relate to the state of public affairs in Europe, in the months of January and February last, to the rupture between England and the United Provinces, and to the measures to be taken to facilitate an alliance between the Thirteen United States and that Republic.

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LUZERNE.

REPORT OF COMMUNICATIONS FROM THE FRENCH MINISTER.

In Congress, July 23d, 1781.

The committee appointed to receive the communications of the Minister of France, delivered in the following report.

The Minister, from his despatches of the 9th of January, 1781, communicated to your committee the causes which delayed the measures, which the Court of France proposed to take for the naval operations of this campaign, the length of the passage of Count d'Estaing to Brest, and, other circumstances not necessary now to be recapitulated; and then told us that he was desired, in the meanwhile, to continue to assure Congress, that the interest which his Majesty takes in the American cause will essentially influence his measures for the present campaign.

The Minister continued by observing, that the present situation of affairs between Great Britain and Holland presented a favorable opportunity for a union of the two Republics.

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Your committee will not repeat the details of what has happened between the two powers of England and Holland; it is sufficient to observe, that Sweden and Denmark have adopted the plan of the armed neutrality, framed by the Empress of Russia; that the Dutch, upon invitation, had done the same, and the Court of London, irritated by this step, took hold of the pretence afforded by the papers found on Mr Laurens, and published a manifesto on the 21st day of December, as well as a proclamation for expediting letters of marque. That this state of affairs, and the other consequences of this step, deserve the attention of Congress. That, if their High Mightinesses should join in this war, it would bring the two Republics to terms of more intimate union. That the opinion of the Council of the King was, that Congress ought not to neglect to send to Holland a prudent and able man, with full powers. It would likewise be advantageous to give proper instructions to that Minister; and as it may happen in the course of the negotiations that unforeseen incidents may present themselves, and as it is impossible at this distance to have quick information, it would be proper to have further instructions given by Dr Franklin, in order to avoid all inconsistency or contradiction, and that the political operations of Congress, aiming towards the same end, may of course be more successful.

The Minister communicated to your committee the contents of another despatch, of the 19th of February last. After stating some facts relating to Mr Laurens's capture, and its consequences, which Congress are already acquainted with, the Minister informed your committee, that the Empress of Russia had, on the 5th of January, received the accession of the United Provinces to the association of neutral powers, and that there was great probability, that her Imperial Majesty would support the Dutch against the tyranny of England, and that on every supposition, Congress would do well to take such measures, as to prepare, without delay, the means of uniting the interest of the two Republics, by making proper advances to the States-General. The Minister added, that he was authorised by the King to offer Congress his interposition for this purpose.

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The Minister informed, that according to appearances the Empress of Russia seemed to be well disposed to the independence of the United States; and that these dispositions give reason to think, that the Empress will see with pleasure, that Congress have adopted her principles as to the neutrality, and that the Count de Vergennes has sent that resolution to the Marquis Verac, the Minister of France to the Court of Russia.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, July 26th, 1781.

Sir,

The twentieth article of the Treaty of Amity and Commerce, between his Most Christian Majesty and the United States, reserves to the two contracting powers, "the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, whose functions shall be regulated by a particular agreement." In consequence of this stipulation, the Court of Versailles has caused a draft to be made of a convention, relative to the establishment of Consuls, which the undersigned, Minister Plenipotentiary of France, has the honor to communicate to Congress. It is the desire of his Majesty, that this draft should be examined by Congress, and those points marked which admit of no difficulty; and that the others should be submitted to the examination of delegates appointed by both parties, who may make such observations as they shall judge proper, and propose such alterations as they may think convenient. These objects will require discussion in repeated conferences, and the undersigned entreats, that Congress would determine in what manner these conferences shall be held. The proposed convention requires the most mature consideration of both parties; while at the same time, it is equally the interest of both with all speed to introduce consistency and uniformity into their respective commercial establishments, and the undersigned is of opinion, that Congress will think it necessary to prosecute this business with all possible despatch.^[45]

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LUZERNE.

FOOTNOTE:

[45] See the draft of this Convention in the *Secret Journal*, Vol. III. p. 6.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, August 23d, 1781.

Sir,

The undersigned, Minister Plenipotentiary of France, has the honor of informing Congress, that the situation of affairs requires, that M. de l'Etombe, Consul General of France, in the four States of New England, should proceed immediately to his destination. This officer being provided with the commission of his Majesty, in the form made use of for the other French Consulates, in the different quarters of the world, it is desirable that his character should be recognized in the manner and form, which for the future are to take place uniformly throughout the Thirteen United States. The undersigned, Minister Plenipotentiary, consequently entreats Congress to determine provisionally, what this form shall henceforward be, without waiting till the plan to be agreed upon shall be definitively settled. He is also desirous, that Congress will be pleased to pass a resolution on the subject of the recognition of the character of Vice-Consuls.

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LUZERNE.

TO THE PRESIDENT OF CONGRESS.

Translation.

Philadelphia, September 6th, 1781.

Sir,

The undersigned, Minister Plenipotentiary of France, has the honor of communicating to Congress the commission of M. de l'Etombe, as Consul General of France in the States of New Hampshire, Massachusetts, Rhode Island, and Connecticut. He requests Congress to be pleased to pass an act, or four different acts, in order to procure for the said Consul the *exequatur* in each of the States, to which his functions are to extend.

LUZERNE.

END OF THE TENTH VOLUME.

TRANSCRIBER'S NOTE.

Omitted words, shown as blank spaces in the original, have been transcribed as —.

Every effort was made to match the original text. Spelling variations between letters have been preserved. The following apparent typographical errors were corrected:

"Triomphe" for "Trimophe"	page 40
"November 5, 1782" for "November 5, 1882"	page 94
"and who ought" for "and ho ought"	page 308
"each other" for "eachother"	page 314

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