

GREAT BRITAIN.

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

1782.^a

PROVISIONAL ARTICLES AGREED UPON, BY AND BETWEEN RICHARD OSWALD, ESQUIRE, 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 A PEACE SHALL BE AGREED UPON BETWEEN GREAT BRITAIN AND FRANCE, AND HIS BRITANNIC MAJESTY SHALL BE READY TO CONCLUDE SUCH TREATY ACCORDINGLY.

Concluded November 30, 1782. Proclamation ordered by the Continental Congress April 11, 1783.

ARTICLES.

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| I. Independence acknowledged. | VII. Withdrawal of British armies. |
| II. Boundaries. | VIII. Navigation of the Mississippi River. |
| III. Fishery rights. | IX. Restoration of territory. |
| IV. Recovery of debts. | Separate Article. Boundary of West Florida. |
| V. Restitution of estates. | |
| VI. Confiscations and prosecutions to cease. | |

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

^a Note concerning treaties with Great Britain of 1782, 1783, 1794 and the additional and explanatory articles thereto, and 1802.

In response to an inquiry as to whether these treaties, so far as they were not fully executed, terminated by the war of 1812, the Department of State, in a communication addressed to W. M. Malloy, dated January 20, 1910, replied as follows:

"With respect to the British treaties mentioned, you are informed that they were claimed by Great Britain, after the conclusion of the treaty of Ghent, to have been terminated by the war of 1812. In a note from Lord Bathurst to John Quincy Adams it is stated, 'She (Great Britain) knows of no exception to the rule that all treaties are put an end to by a subsequent war between the same parties.' (American State Papers, vol. 4, p. 354.) Against this view of the British Government and its unqualified expression the United States protested. (On the effect of war on treaties, see Moore's Digest International Law, vol. 5, p. 372.)"

See also decision of Supreme Court of United States (Society for Propagation of Gospel v. New Haven, 8 Wheaton, 464) as to effect of war of 1812 on treaties with Great Britain.

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, Massachuset's 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 untill it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake untill 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 untill 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 Phelippeaux, 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 untill 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 Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait 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. Laurence; 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 Gulph 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 dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours 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 endeavours 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.

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.

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 harbour 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 river Mississippi, 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 to 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.

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

[SEAL.]
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[SEAL.]

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

Witness: CALEB WHITEFOORD,
Sec'y to the British Commission.

W. T. FRANKLIN,
Sec'y 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 Yassou, 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 eighty-two.

[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]

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

Attest: CALEB WHITEFOORD,
Sec'y to the British Commission.

W. T. FRANKLIN,
Sec'y to the American Commission.

1783.

ARMISTICE DECLARING A CESSATION OF HOSTILITIES.

Concluded January 20, 1783.

We, the undersigned Ministers Plenipotentiary of the United States of North America, having received from Mr. Fitz Herbert, 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, the tenor whereof is as follows:

“Whereas the preliminary articles agreed upon and signed this day, between his Majesty the King of Great Britain and his Majesty the Most Christian King on the one part, and likewise between his said Britannic Majesty and his Catholic Majesty on the other part, contain the stipulation of a cessation of hostilities between those three Powers, which is to take place after the exchange of the ratifications of the said preliminary articles: And whereas, by the provisional treaty signed on the thirtieth day of November last, between His Britannic Majesty and the United States of North America, it hath been stipulated that that treaty should take effect as soon as peace should be established between the said Crowns: The undersigned Minister Plenipotentiary of His Britannic Majesty does declare, 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 comprehended in the above-mentioned suspension of arms, and that in consequence they shall enjoy the benefit of the cessation of hostilities at the same epochs and in the same manner as the three Crowns above mentioned, their subjects, and their respective possessions; the whole upon condition that on the part and in the name of the said United States of North America, a similar declaration shall be delivered, expressly declaring their assent to the present suspension of arms, and contain'g the assurance of the most perfect reciprocity on their part.