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FRANCE : FEBRUARY 6, 1778

Treaty of Amity and Commerce, signed at Paris February 6, 1778. Original in English and French; but "originally composed and concluded in the French Language" (see the attestation clause). Ratified by the United States May 4, 1778. Ratified by France July 16, 1778. Ratifications exchanged at Paris (or Versailles) July 17, 1778. Not proclaimed; but on May 6, 1778, Congress (see Journals, XI, 468-69) approved a "draught for publication" containing Articles 6, 7, 14-17, 20, 21, 25-27, and 29 and the form of the passports, mentioning also the Treaty of Alliance with France of the same date. That publication appeared generally in American newspapers during May, 1778. On November 4, 1778, Congress ordered printed 300 copies of this treaty and of the Treaty of Alliance (see Journals, XII, 1101).

Treaty of Amity and Commerce. Traité d'Amitié et de Commerce

The most Christian King, and the thirteen United States of North America, to wit, New-Hampshire, Massachusetts Bay, Rhodeisland, Comiecticut, New York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South Carolina, & Georgia, willing to fix in an equitable and permanent manner the Rules which ought to be followed relative to the Correspondence & Commerce which the two Parties desire to establish between their respective Countries, States, and Subjects, his most Christian Majesty and the said United States have judged that the said End could not be better obtained than by taking

Le Roi Très chretien et les treize Etats-unis de l'Amérique septentrionale, savoir, Newhampshire la Baye de Massachusset, Rhode-Island, Connecticut, New York, New Jersey, Pensylvanie, Les Comtés de Newcastle de Kent et deSussex sur la Delaware, Maryland, Virginie, Caroline septentrionale, Caroline Méridionale et Georgie voulant établir d'une maniere équitable et permanente les règles qui devront être suivies relativement à la Correspondance et au Commerce que les deux parties désirent d'établir entre leurs Païs, Etats et Sujets respectifs, Sa Majesté Très chretienne et les dits Etats unis ont jugé ne pouvoir mieux atteinre à ce but

for the Basis of their Agreement the most perfect Equality and Reciprocity, and by carefully avoiding all those burthensome Preferences, which are usually Sources of Debate, Embarrassment and Discontent; by leaving also each Party at Liberty to make, respecting Commerce and Navigation, those interior Regulations which it shall find most convenient to itself; and by founding the Advantage of Commerce solely upon reciprocal Utility, and the just Rules of free Intercourse; reserving withal to each Party the Liberty of admitting at its pleasure other Nations to a Participation of the same Advantages. It is in the Spirit of this Intention, and to fulfil these Views, that his said Majesty having named and appointed for his Plenipotentiary Conrad Alexander Gerard, Royal *Sindic* of the City of Strasbourg, Secretary of his Majesty's Council of State, and the United States on their Part, having fully empower'd Benjamin Franklin Deputy from the State of Pennsylvania to the general Congress, and President of the Convention of said State, Silas Deane late Deputy from the State of Connecticut to the said Congress, and Arthur Lee Councillor at Law; The said respective Plenipotentiaries after exchanging their Powers, and after mature Deliberation, have concluded and agreed upon the following Articles.

qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarras et de mecontentemens, de laisser à chaque partie la liberté de faire relativement au Commerce et à la Navigation les réglemens intérieurs qui seront à sa convenance, de ne fonder les avantages du Commerce que sur son utilité reciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres Nations aux mêmes avantages. C'est dans cet esprit et pour remplir ces vues que Sa d^e Majesté ayant nommé et constitué pour son Plénipotentiaire le S. Conrad-Alexandre Gerard, *Sindic* Roial de la Ville de Strasbourg, Secetaire du Conseil d'Etat de Sa Majesté, et les Etats unis aiant, de leur coté, munis de leurs pleins-pouvoirs les S^{rs} Benjamin Franklin Député au Congrès général de la part de l'Etat de Pensylvanie et Président de la Convention dud^e Etat, Silas Deane ci-devant Député de l'Etat de Connecticut et Arthur Lée *Conseiller ès loix*. Les d^e Plénipotentiaires respectifs après l'échange de leurs pouvoirs et après mure délibération ont conclu et arrêté les points et articles suivans.

ARTICLE. 1.st.

There shall be a firm, inviolable and universal Peace, and a true and sincere Friendship between the most Christian King, his Heirs and Successors, and the United States of America; and the Subjects of the most Christian King and of the said States; and between the Countries, Islands, Cities, and Towns, situate under the Jurisdiction of the most Christian King, and of the said United States, and the People and Inhabitants of every Degree, without exception of Persons or Places; & the Terms herein after mentioned shall be perpetual between the most Christian King his Heirs and Successors and the said United States.

ART. 2.nd.

The most Christian King, and the United States engage mutually not to grant any particular Favour to other Nations in respect of Commerce and Navigation, which shall not immediately become common to the other Party, who shall enjoy the same Favour, freely, if the Concession was freely made, or on allowing the same Compensation, if the Concession was Conditional.

ART. 3.^d

The Subjects of the most Christian King shall pay in the Ports, Havens, Roads, Countries Islands, Cities or Towns, of the

ART. 1.^{er}

Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincère entre le Roi Très chrétien, ses héritiers et successeurs, et entre les Etats unis de l'Amérique ainsi qu'entre les sujets de Sa Majesté Très chrétienne et ceux des dits Etats, comme aussi entre les peuples Isles, Villes et places situés sous la Jurisdiction du Roi Très chrétien et des dits Etats unis, et entre leurs peuples et habitans de toutes les classes, sans aucune exception de personnes et de lieux; Les conditions mentionnées au present Traité seront perpetuelles et permanentes entre le Roi très Chrétien, ses héritiers et successeurs et les dits Etats unis.

ART. 2.

Le Roi Très chrétien et les Etats unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres Nations en fait de Commerce et de Navigation qui ne devienne aussitôt commune à l'autre partie, et celle ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionnelle.

ART. 3.

Les Sujets du Roi Très chrétien ne paieront dans les Ports, havres, rades, Contrées, Isles, Cités et lieux des Etats unis ou d'aucun

United States or any of them, no other or greater Duties or Imposts of what Nature soever they may be, or by what Name soever called, than those which the Nations most favoured are or shall be obliged to pay; and they shall enjoy all the Rights, Liberties, Privileges, Immunities and Exemptions in Trade, Navigation and Commerce, whether in passing from one Port in the said States to another, or in going to and from the same, from and to any Part of the World, which the said Nations do or shall enjoy.

ART. 4.

The Subjects, People and Inhabitants of the said United States, and each of them, shall not pay in the Ports, Havens Roads, Isles, Cities & Places under the Domination of his most Christian Majesty in Europe, any other or greater Duties or Imposts, of what Nature soever, they may be, or by what Name soever called, than those which the most favour'd Nations are or shall be obliged to pay; & they shall enjoy all the Rights, Liberties, Privileges, Immunities & Exemptions, in Trade, Navigation and Commerce, whether in passing from one Port in the said Dominions in Europe to another, or in going to and from the same, from and to any Part of the World, which the said Nations do or shall enjoy.

d'entr'eux d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir, que ceux que les Nations les plus favorisées sont, ou seront tenues de paier; Et ils jouiront de tous les droits, libertés, privilèges immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un Port des dits Etats à un autre, soit en y allant ou en revenant de quelque partie ou pour quelque partie du Monde que ce soit, dont les d^{es} Nations jouissent ou jouiront.

ART. 4.

Les Sujets peuples et habitans des d. Etats-unis et de chacun d'iceux ne paieront dans les Ports, havres, rades, Isles, Villes et places de la Domination de Sa Majesté Très chretienne en Europe d'autres ni plus grands droits ou impots de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les Nations les plus favorisées sont ou seront tenues de paier, et ils jouiront de tous les droits, libertés privilèges immunités et exemptions en fait de négoce, navigation et commerce soit en passant d'un port à un autre des d^s Etats du Roi Très chretien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit dont les nations susd^{es} jouissent ou jouiront.

ART. 5.

In the above Exemption is particularly comprised the Imposition of 100 Sols p^r Ton, established in France on foreign Ships; unless when the Ships of the United States shall load with the Merchandize of France for another Port of the same Dominion, in which Case the said Ships shall pay the Duty abovementioned so long as other Nations the most favour'd shall be obliged to pay it. But it is understood that the said United States or any of them are at Liberty when they shall judge it proper, to establish a Duty equivalent in the same Case.

ART. 6.

The most Christian King shall endeavour by all the means in his Power to protect and defend all Vessels and the Effects belonging to the Subjects, People or Inhabitants of the said United States, or any of them, being in his Ports, Havens or Roads or on the Seas near to his Countries, Islands, Cities or Towns and to recover and restore to the right owners, their agents or Attornies all such Vessels & Effects, which shall be taken within his Jurisdiction; and the Ships of War of his most Christian Majesty or any Convoys sailing

ART. 5.

Dans l'exemption ci dessus est nommément compris l'imposition de cent sous par Tonneau établie en France sur les Navires étrangers, si ce n'est lorsque les Navires des Etats-unis chargeront des marchandises de France dans un port de France pour un autre port de la même Domination auquel cas les d^s navires des d^s Etats-unis acquiteront le droit dont il s'agit aussi longtems que les autres nations les plus favorisées seront obligées de l'acquiter. Bien entendu qu'il sera libre aux dits Etats unis ou à aucun d'iceux d'établir, quand ils le jugeront à propos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les Ports de Sa Majesté Très chretienne.

ART. 6.

Le Roi Très Chretien fera usage de tous les moïens qui sont en son pouvoir pour protéger et defendre tous les Vaisseaux et effets appartenants aux sujets, peuples et habitans des dits Etats-unis et de chacun d'iceux qui seront dans ses ports, havres ou rades ou dans les Mers près de ses Pays, Contrées, Isles, Villes et places et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs Agens ou Mandataires, tous les vaisseaux et effets qui leur seront pris dans l'étenduë de sa jurisdic-

under his authority shall upon all Occasions take under their Protection all Vessels belonging to the Subjects, People or Inhabitants of the said United States, or any of them & holding the same Course or going the same Way, and shall defend such Vessels, as long as they hold the same Course or go the same way, against all Attacks, Force and Violence in the same manner, as they ought to protect and defend the Vessels belonging to the Subjects of the most Christian King.

ART. 7.

In like manner the said United States and their Ships of War sailing under their Authority shall protect and defend, conformable to the Tenor of the preceeding Article, all the Vessels and Effects belonging to the Subjects of the most Christian King; and use all their Endeavours to recover & cause to be restored the said Vessels and Effects, that shall have been taken within the Jurisdiction of the said United States or any of them.

ART. 8.

The most Christian King will employ his good Offices and Interposition with the King or Emperor of Morocco or Fez, the

tion; Et les Vaisseaux de guerre de Sa Majesté Très chretienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les Vaisseaux appartenants aux sujets peuples et habitans des d^s Etats unis ou d'aucun d'iceux, les quels tiendront le meme cours et feront la même route, et ils défendront les dits Vaisseaux aussi longtems qu'ils tiendront le même cours et suivront la meme route, contre toute attaque force ou violence de la même manière qu'ils sont tenus de défendre et de protéger les Vaisseaux appartenans aux sujets de Sa Majesté Très chretieune.

ART. 7.

Pareillement les dits Etats unis et leurs Vaisseaux de guerre faisant voile sous leur autorité protégeront et défendront conformement au contenu de l'art^e précédent, tous les Vaisseaux et effets appartenants aux sujets du Roi Très Chretien et feront tous leurs efforts pour recouvrer et faire restitüer les dits vaisseaux et effets qui auront été pris dans l'étendue de la Jurisdiction des dits Etats et de chacun d'iceux.

ART. 8.

Le Roi Très chretien emploiera ses bons offices et son entremise auprès des Roi ou Empereur de Maroc ou Fez, des Regences

Regencies of Algier, 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.

ART. 9.

The Subjects, Inhabitants, Merchants, Commanders of Ships Masters and Mariners of the States, Provinces, and Dominions of each Party respectively shall abstain and forbear to fish in all Places possessed or which shall be possessed by the other Party: The most Christian Kings Subjects shall not fish in the Havens, Bays, Creeks, Roads Coasts or Places, which the said united States hold or shall hereafter hold; and in like manner the Subjects, People and Inhabitants of the said United States shall not fish in the Havens Bays, Creeks, Roads, Coasts or Places, which the most Christian King possesses or shall hereafter possess; and if any and if any Ship

d'Alger, Tunis et Tripoli ou auprès aucune d'entr Elles, ainsi qu'auprès de tout autre Prince Etat ou Puissance des côtes de Barbarie en Affrique et des sujets des d^e Roi Empereur, Etats et Puissance et de chacun d'iceux à l'effet de pourvoir aussi pleinement et aussi efficacement qu'il sera possible, à l'avantage, commodité et sûreté des dits Etats-unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans, leurs Vaisseaux et effets contre toute violence, insulte, attaque ou déprédations de la part des d^e Princes et Etats Barbaresques ou de leurs sujets.

ART. 9.

Les sujets habitans, marchands, Commandans des Navires, Maitres et gens de Mer des Etats, Provinces et Domaines des deux parties s'abstiendront et éviteront reciproquement, de pêcher dans toutes les places possédées ou qui seront possédées par l'autre partie. Les sujets de Sa Majesté Très Chretienne ne pêcheront pas dans les havres, Bayes, Criques, rades, côtes et places que les dits Etats-unis possèdent ou posséderont à l'avenir, et de la même manière les sujets, peuples et habitans des d^e Etats unis ne pêcheront pas dans les havres, Bayes, Criques, rades, Côtes et places que Sa Majesté Très chretienne possède actuellement ou possédera à l'avenir, et si quelque

or Vessel shall be found fishing contrary to the Tenor of this Treaty, the said Ship or Vessel with its lading, proof being made thereof, shall be confiscated. It is however understood, that the Exclusion stipulated in the present Article shall take place only so long, and so far as the most Christian King or the United States shall not in this respect have granted an Exemption to some other Nation.

ART. 10

The United States their Citizens and Inhabitants shall never disturb the Subjects, of the most Christian King in the Enjoyment and Exercise of the Right of Fishing on the Banks of Newfoundland; nor in the indefinite and exclusive Right which belongs to them on that Part of the Coast of that Island which is designed by the Treaty of Utrecht; nor in the Rights relative to all and each of the Isles which belong to his most Christian Majesty; the whole conformable to the true Sense of the Treaties of Utrecht and Paris.

ART. 11.¹

It is agreed and concluded that there shall never be any Duty imposed on the Exportation of the Mellasses that may be taken by the Subjects of any of the United

navire ou Batiment étoit surpris pêchant en violation du present Traité, le dit navire ou Batiment et sa Cargaison seront confisqués, après que la preuve en aura été faite dûement. Bien entendu que l'exclusion stipulée dans le present article n'aura lieu qu'autant et si longtems que le Roi et les Etats-unis n'auront point accordé à cet egard d'exception à quelque Nation que ce puisse être.

ART. 10.

Les Etats unis, leurs citofiens et habitans ne troubleront jamais les sujets du Roi Très chretien dans la jouissance et exercice du droit de pêche sur les bancs de Terre-neuve, non plus que dans la jouissance indéfinie et exclusive qui leur appartient sur la partie des Côtes de cette Isle designée dans le Traite d'Utrecht ni dans les droits relatifs à toutes et chacune des Isles qui appartiennent à Sa Majesté très Chretienne. Le tout conformement au véritable sens des Traités d'Utrecht et de Paris.

ART. 11.¹

Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des Melasses qui pourront être tirées par les Sujets d'aucun des Etats-unis des Isles

¹ Articles 11 and 12 were suppressed. See the notes following the text of this treaty.

See the notes following the text of this

States from the Islands of America which belong or may hereafter appertain to his most Christian Majesty.

ART. 12.¹

In compensation of the Exemption stipulated by the preceeding Article, it is agreed and concluded that there shall never be any Duties imposed on the Exportation of any kind of Merchandize which the Subjects of his most Christian Majesty may take from the Countries and Possessions present or future of any of the thirteen United States, for the Use of the Islands which shall furnish Mellasses.

ART 13 [11].

The Subjects and Inhabitants of the said United States, or any one of them, shall not be reputed Aubains in France, & consequently shall be exempted from the *Droit d'Aubaine* or other similar Duty under what name soever. They may by Testament, Donation, or otherwise dispose of their Goods moveable and immoveable in favour of such Persons as to them shall seem good; and their Heirs, Subjects of the Said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain Letters of Naturalization, and

d'Amérique qui appartiennent ou pourront appartenir à Sa Majesté très Chretienne.

ART. 12.¹

En compensation de l'exemption stipulée par l'article précédent, il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de Sa Majesté Très Chretienne pourront tirer des Pays ou possessions actuelles ou futures d'aucun des Treize Etats-unis pour l'usage des Isles qui fournissent les melasses.

ART. 13 [11].

Les sujets et habitans des dits Etats-unis ou de l'un d'eux ne seront point réputés Aubains en France et conséquemment seront exemts du droit d'Aubaine ou autre droit semblable quelque nom qu'il puisse avoir; pourront disposer par Testament, Donation ou autrement de leurs biens meubles et immeubles en faveur de telles personnes que bon leur semblera; Et leurs héritiers sujets des dits Etats-unis, residans soit en France soit ailleurs pourront leur succéder *ab intestat*, sans qu'ils aient besoin d'obtenir des lettres de naturalité, et sans que l'effet de cette concession leur puisse être

¹ Articles 11 and 12 were suppressed. See the notes following the text of this treaty.

See the notes following the text of this

without having the Effect of this Concession contested or impeded under Pretext of any Rights or Prerogatives of Provinces, Cities, or Private Persons. And the said Heirs, whether such by particular Title, or *ab intestat*, shall be exempt from all Duty called *Droit de Detraction*, or other Duty of the same kind; saving nevertheless, the local Rights or Duties as much and as long as similar ones are not established by the United States or any of them. The Subjects of the most Christian King shall enjoy on their Part, in all the Dominions of the s^d States, an entire and perfect Reciprocity relative to the Stipulations contained in the present Article.

But it is at the same Time agreed that its Contents shall not affect the Laws made or that may be made hereafter in France against Emigrations, which shall remain in all their Force and Vigour; and the United States on their Part, or any of them, shall be at Liberty to enact such Laws relative to that Matter, as to them shall seem proper.

ART. 14 [12].

The merchant Ships of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally and concerning whose Voyage & the Species of Goods on board her

contesté ou empêché sous pretexte de quelques droits ou prérogatives des Provinces, Villes, ou personnes privées. Et seront les dits héritiers, soit à titre particulier, soit *ab intestat* exemts de tout droit de détraction ou autre droit de ce genre, sauf néanmoins les droits locaux, tant et si longtems qu'il n'en sera point établi de pareils par les dits Etats-unis ou aucun d'iceux. Les sujets du Roi Très chretien jouiront de leur côté, dans tous les Domaines des dits Etats d'une entière et parfaite reciprocité relativement aux stipulations renfermées dans le present Article.

Mais il est convenu en même tems que son contenu ne portera aucune atteinte aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats-unis de leur côté ou aucun d'entr'eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ART. 14 [12].

Les Navires Marchands des deux parties qui seront destinés pour des Ports appartenants à une Puissance ennemie de l'autre Allié, et dont le voiage ou la nature des marchandises dont ils seront

there shall be just Grounds of Suspicion shall be obliged to exhibit as well upon the high Seas as in the Ports and Havens not only her Passports, but likewise Certificates expressly shewing that her Goods are not of the Number of those, which have been prohibited as contraband.

ART. 15 [13].

If by the exhibiting of the above said Certificates, the other Party discover there are any of those Sorts of Goods, which are prohibited and declared contraband and consigned for a Port under the Obedience of his Enemies, it shall not be lawful to break up the Hatches of such Ship, or to open any Chest, Coffers, Packs, Casks, or any other Vessels found therein, or to remove the smallest Parcels of her Goods, whether such Ship belongs to the Subjects of France or the Inhabitants of the said United States, unless the lading be brought on Shore in the presence of the Officers of the Court of Admiralty and an Inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, untill after that due and lawful Process shall have been had against such prohibited Goods, and the Court of Admiralty shall, by a Sentence pronounced, have confiscated the same: saving always as well the Ship itself as

chargés donneroit de justes soupçons, seront tenus d'exhiber, soit en haute Mer, soit dans les Ports et Havres non seulement leurs passeports, mais encore les Certificats qui constateront expressement que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

ART. 15 [13].

Si l'exhibition des dits Certificats conduit à découvrir que le Navire porte des marchandises prohibées et réputées contrebande consignées pour un Port ennemi, il ne sera pas permis de briser les écoutilles des dits Navires, ni d'ouvrir aucune Caisse, Coffre, Malle, Ballots, Tonneaux, et autres Caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandises, soit que le Navire appartienne aux sujets du Roi Très Chretien ou aux habitans des Etats unis jusqu'a ce que la Cargaison ait été mise à terre en presence des Officiers des Cours d'Amirauté, et que l'Inventaire en ait été fait, mais on ne permettra pas de vendre, échanger ou aliéner les Navires ou leur Cargaison en manière quelconque avant que le procès ait été fait et parfait legalement pour déclarer la contrebande, et que les Cours d'Amirauté aient prononcé leur confiscation par Jugement sans préjudice néanmoins des Navires ainsi que des marchandises, qui,

any other Goods found therein, which by this Treaty are to be esteemed free: neither may they be detained on pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawful Prize: But if not the whole Cargo, but only part thereof shall consist of prohibited or contraband Goods and the Commander of the Ship shall be ready and willing to deliver them to the Captor, who has discovered them, in such Case the Captor having received those Goods shall forthwith discharge the Ship and not hinder her by any means freely to prosecute the Voyage, on which she was bound. But in Case the Contraband Merchandises, cannot be all receiv'd on board the Vessel of the Captor, then the Captor may, notwithstanding the Offer of delivering him the Contraband Goods, carry the Vessel into the nearest Port agreeable to what is above directed.

ART. 16 [14].

On the contrary it is agreed, that whatever shall be found to be laden by the Subjects and Inhabitants of either Party on any Ship belonging to the Enemies of the other or to their Subjects, the whole although it be not of the Sort of prohibited Goods may be confiscated in the same

en vertu du Traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous prétexte qu'elles ont été entachées par les marchandises de Contrebande, et bien moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de Contrebande, et que le Commandant du vaisseau consente à les délivrer au Corsaire qui les aura découverts, alors le Capitaine qui aura fait la prise après avoir reçu ces marchandises doit incontinent relâcher le Navire et ne doit l'empêcher, en aucune manière, de continuer son voiage. Mais dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le Vaisseau capteur, alors le Capitaine dud' Vaisseau sera le Maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

ART. 16 [14].

On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des Navires appartenants aux ennemis de l'autre partie, ou à leurs sujets sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles apparte-

manner, as if it belonged to the Enemy, except such Goods and Merchandizes as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done without knowledge of such Declaration. So that the Goods of the Subjects and People of either Party, whether they be of the Nature of such as are prohibited or otherwise, which, as is aforesaid were put on board any Ship belonging to an Enemy before the War, or after the Declaration of the same, without the Knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without Delay to the proprietors demanding the same; but so as that, if the said Merchandizes be contraband, it shall not be any Ways lawful to carry them afterwards to any Ports belonging to the Enemy. The two contracting Parties agree, that the Term of two Months being passed after the Declaration of War, their respective Subjects, from whatever Part of the World they come, shall not plead the Ignorance mentioned in this Article.

ART. 17 [15].

And that more effectual Care may be taken for the Security of the Subjects and Inhabitants of both Parties, that they suffer no injury by the men of War or Privateers of the other Party, all

noient à l'ennemi, à l'exception toute fois des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la d^e déclaration, si au moment du chargement on a pu l'ignorer, de manière que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les quelles comme il vient d'être dit auront été mises à bord, d'un Vaisseau appartenant à l'ennemi avant la guerre ou même après la d^e déclaration, lorsqu'on l'ignoroit ne seront, en aucune manière, sujetes à confiscation, mais seront fidèlement et de bonne foi rendues sans delai à leurs propriétaires qui les reclameront; bien entendu néanmoins qu'il ne soit pas permis de portee dans les Ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. 17 [15].

Et afin de pourvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun prejudice par les Vaisseaux de guerre de l'autre partie ou par des Arma-

the Commanders of the Ships of his most Christian Majesty & of the said United States and all their Subjects and Inhabitants shall be forbid doing any Injury or Damage to the other Side; and if they act to the contrary, they shall be punished and shall moreover be bound to make Satisfaction for all Matter of Damage, and the Interest thereof, by reparation, under the Pain and obligation of their Person and Goods.

ART. 18 [16].

All Ships and Merchandizes of what Nature soever which shall be rescued out of the Hands of any Pirates or Robbers on the high Seas, shall be brought into some Port of either State and shall be delivered to the Custody of the Officers of that Port, in order to be restored entire to the true Proprietor as soon as due and sufficient Proof shall be made concerning the Property thereof.

ART. 19 [17].

It shall be lawful for the Ships of War of either Party & Privateers freely to carry whithersoever they please the Ships and Goods taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested or seized, when they come to and enter the Ports of either Party; nor shall the Searchers or other Officers of those Places search the same or

teurs particuliers, il sera fait défense à tous Capitaines des Vaisseaux de Sa Majesté très Chretienne et des dits États-unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis et de plus ils seront tenus et obligés en leurs personnes et en leurs biens de reparer tous les dommages et intérêts.

ART. 18 [16].

Tous Vaisseaux et marchandises de quelque nature que ce puisse être, lorsqu'ils auront été enlevés des mains de quelques Pirates en pleine Mer, seront amenés dans quelque Port de l'un des deux États, et seront remis à la garde des Officiers dud^t Port, afin d'être rendus, en entier, à leur véritable propriétaire, aussitôt qu'il aura dûement et suffisamment fait conster de sa propriété.

ART. 19 [17].

Les Vaisseaux de guerre de Sa Majesté Très Chretienne et ceux des États-unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligés à aucuns droits, soit des Sieurs Amiraux ou de l'Amirauté, ou d'aucuns autres, sans qu'aussi les dits Vaisseaux ou les d^{es} prises, entrant dans les havres ou Ports

make examination concerning the Lawfulness of such Prizes, but they may hoist Sail at any time and depart and carry their Prizes to the Places express'd in their Commissions, which the Commanders of such Ships of War shall be obliged to shew: On the contrary no Shelter or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects, People or Property of either of the Parties; but if such shall come in, being forced by Stress of Weather or the Danger of the Sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

ART. 20 [18].

If any Ship belonging to either of the Parties their People or Subjects, shall, within the Coasts or Dominions of the other, stick upon the Sands or be wrecked or suffer any other Damage, all friendly Assistance and Relief shall be given to the Persons shipwrecked or such as shall be in danger thereof; and Letters of safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the return of every one to his own Country.

ART. 21 [19].

In Case the Subjects and Inhabitants of either Party with their shipping whether publick and of War or private and of Mer-

de Sa Majesté Très Chretienne ou des dits Etats-unis puissent être arrêtés ou saisis, ni que les officiers des lieux puissent prendre connoissance de la validité des d^{es} prises, les quelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les Commissions dont les Capitaines des dits Vaisseaux seront obligés de faire aparoir. Et au contraire ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de Sa Majesté ou des dits Etats unis; Et s'ils sont forcés d'y entrer par tempête ou peril de la Mer, on les fera sortir le plustôt qu'il sera possible.

ART. 20 [18].

Dans le cas où un vaisseau appartenant à l'un des deux Etats ou à leurs sujets, aura échoué, fait naufrage ou souffert quelque autre dommage sur les Côtes ou sous la Domination de l'une des deux parties, il sera donné toute aide et assistance amiable aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des conduits pour assurer leur passage et leur retour dans leur patrie.

ART. 21 [19].

Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics et de guerre, soit particuliers et mar-

chants, be forced, through Stress of Weather, pursuit of Pirates or Enemies, or any other urgent necessity for seeking of Shelter and Harbour, to retreat and enter into any of the Rivers, Bays, Roads or Ports belonging to the other Party, they shall be received and treated with all humanity and Kindness and enjoy all friendly Protection & Help; and they shall be permitted to refresh and provide themselves at reasonable Rates with victuals and all things needful for the sustenance of their Persons or reparation of their Ships and conveniency of their Voyage; and they shall no Ways be detained or hindred from returning out of the said Ports or Roads but may remove and depart when and whither they please without any let or hindrance.

ART. 22 [20].

For the better promoting of Commerce on both Sides, it is agreed that if a War shall break out between the said two Nations, six Months after the Proclamation of War shall be allowed to the Merchants in the Cities and Towns, where they live, for selling and transporting their Goods and Merchandizes; and if any thing be taken from them, or

chants, seront forcés par une tempête, par la poursuite des Pirates et des eunemis, ou par quelqu'autre nécessité urgente de chercher refuge et un abri, de se retirer et entrer dans quelqu'une des Rivières, Bayes, rades ou Ports de l'une des deux parties, ils seront reçus et traités avec humanité,¹ et jouiront de toute amitié protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres et de toutes choses nécessaires pour leur subsistance, pour la reparation de leurs Vaisseaux, et pour continuer leur voiage, le tout moïennant un prix raisonnable, et ils ne seront retenus, en aucune manière ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira sans aucun obstacle ni empêchement.

ART. 22 [20].

Àfin de promouvoir d'autant mieux le Commerce de deux Côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux nations susdites, il sera accordé, six mois après la déclaration de guerre, aux marchands dans les Villes et Cités qu'ils habitent, pour rassembler et transporter les marchandises, et s'il en est enlevé quelque chose,

¹ There is a variance here between the instruments of ratification and the original of the treaty which is in the Department of State file. In the United States instrument of ratification, after "humanité" appear the words "et honêteté," and in the French instrument, "et honnêteté." The English text shows that the omission of the two words was an error of the scrivener.

any Injury be done them within that Term by either Party or the People or Subjects of either, full Satisfaction shall be made for the same.

ART. 23 [21].

No Subjects of the most Christian King shall apply for or take any Commission or Letters of marque for arming any Ship or Ships to act as Privateers against the said United States or any of them or against the Subjects People or Inhabitants of the said United States or any of them or against the Property of any of the Inhabitants of any of them from any Prince or State with which the said United States shall be at War. Nor shall any Citizen Subject or Inhabitant of the said United States or any of them apply for or take any Commission or letters of marque for arming any Ship or Ships to act as Privateers against the Subjects of the most Christian King or any of them or the Property of any of them from any Prince or State with which the said King shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque he shall be punished as a Pirate.

ART. 24 [22].

It shall not be lawful for any foreign Privateers, not belonging

ou s'il leur a été fait quelque injure durant le terme prescrit ci-dessus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

ART. 23 [21].

Aucun sujet du Roi Très Chretien ne prendra de commission ou de lettres de marque pour armer quelque Vaisseau ou Vaisseaux à l'effet d'agir comme Corsaires contre les dits Etats-unis ou quelques uns d'entr'eux, ou contre les sujets, peuples ou habitans d'iceux, ou contre leur propriété ou celle des habitans d'aucun d'entr'eux, de quelque Prince que ce soit avec lequel dits Etats-unis seront en guerre. De même aucun Citoyen, sujet ou habitant des susdits Etats-unis et de quelqu'un d'entr'eux ne demandera ni n'acceptera aucune commission ou lettres de marque pour armer quelque vaisseau, ou vaisseaux pour courre sus aux sujets de Sa Majesté Très chretienne ou quelques uns d'entre eux ou leur propriété de quelque Prince ou Etat que ce soit avec qui Sa d^e Majesté se trouvera en guerre, et si quelqu'un de l'une ou de l'autre Nation prenoit de pareilles commissions ou lettres de marque il sera puni comme Pirate.

ART. 24 [22].

Il ne sera permis à aucun Corsaire étranger non appartenant

to Subjects of the most Christian King nor Citizens of the said United States, who have Commissions from any other Prince or State in enmity with either Nation to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to sell what they have taken or in any other manner whatsoever to exchange their Ships, Merchandizes or any other lading; neither shall they be allowed even to purchase victuals except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.

ART. 25 [23].

It shall be lawful for all and singular the Subjects of the most Christian King and the Citizens People and Inhabitants of the said United States to sail with their Ships with all manner of Liberty and Security; no distinction being made, who are the Proprietors of the Merchandizes laden thereon, from any Port to the places of those who now are or hereafter shall be at Enmity with the most Christian King or the United States. It shall likewise be Lawful for the Subjects and Inhabitants aforesaid to sail with the Ships and Merchandizes aforementioned and to trade with the same Liberty and security from the Places, Ports and Havens

à quelque sujet de Sa Majesté Très chretienne ou à un Citoïen des dits Etats-unis, lequel aura une commission de la part d'un Prince ou d'une Puissance en guerre avec l'une des deux Nations, d'armer leurs Vaisseaux dans les Ports de l'une des deux parties, ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les Vaisseaux, Marchandises ou aucune partie de leur Cargaison; Il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaires pour se rendre dans le Port le plus voisin du Prince ou de l'Etat dont il tient sa commission.

ART. 25 [23].

Il sera permis à tous et un chacun des sujets du Roi Très chretien et aux Citoïens, peuple et habitans des susdits Etats-unis de naviguer avec leurs Batimens avec toute liberté et sûreté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits Batimens venant de quelque Port que ce soit, et destinés pour quelque place d'une Puissance actuellement ennemie ou qui pourra l'être dans la suite de Sa Majesté Très Chretienne ou des Etats-unis. Il sera permis également aux sujets et habitans susmentionnés de naviguer avec leurs Vaisseaux et marchandises, et

of those who are Enemies of both or either Party without any Opposition or disturbance whatsoever, not only directly from the Places of the Enemy afore mentioned to neutral Places; but also from one Place belonging to an Enemy to another place belonging to an Enemy, whether they be under the Jurisdiction of the same Prince or under several; And it is hereby stipulated that free Ships shall also give a freedom to Goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the Ships belonging to the Subjects of either of the Confederates, although the whole lading or any Part thereof should appertain to the Enemies of either, contraband Goods being always excepted. It is also agreed in like manner that the same Liberty be extended to Persons, who are on board a free Ship, with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers and in actual Service of the Enemies.

ART. 26 [24].

This Liberty of Navigation and Commerce shall extend to all kinds of Merchandizes, excepting those

de fréquenter avec la même liberté et sûreté les Places, Ports, et havres des Puissances ennemies des deux parties contractantes ou d'une d'entre Elles, sans opposition ni trouble et de faire le Commerce non seulement directement des Ports de l'ennemi susdit à un port neutre, mais aussi d'un Port ennemi à un autre Port ennemi, soit qu'il se trouve sous sa juridiction ou sous celle de plusieurs; Et il est stipulé par le present Traité que les Batimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des Navires appartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'icelui apartiendrait aux ennemis de l'une des deux, bien entendu néanmoins que la contrebande sera toujours exceptée. Il est également convenu que cette même liberté s'étendrait aux personnes qui pourroient se trouver à bord du Batiment libre, quand même Elles seroient ennemies de l'une des deux parties contractantes, et Elles ne pourront être enlevées des dits Navires, à moins qu'Elles ne soient militaires, et actuellement au Service de l'Ennemi.

ART. 26 [24]

Cette liberté de navigation et de commerce doit s'étendre sur toutes sortes de marchandises, à

only which are distinguished by the name of contraband; And under this Name of Contraband or prohibited Goods shall be comprehended, Arms, great Guns, Bombs with the fuzes, and other things belonging to them, Cannon Ball, Gun powder, Match, Pikes, Swords, Lances, Spears, halberds, Mortars, Petards, Granades Salt Petre, Muskets, Musket Ball, Bucklers, Helmets, breast Plates, Coats of Mail and the like kinds of Arms proper for arming Soldiers, Musket rests, belts, Horses with their Furniture, and all other Warlike Instruments whatever. These Merchandizes which follow shall not be reckoned among Contraband or prohibited Goods, that is to say, all sorts of Cloths, and all other Manufactures woven of any wool, Flax, Silk, Cotton or any other Materials whatever; all kinds of wearing Apparel together with the Species, whereof they are used to be made; gold & Silver as well coined as uncoin'd, Tin, Iron, Latten, Copper, Brass Coals, as also Wheat and Barley and any other kind of Corn and pulse; Tobacco and likewise all manner of Spices; salted and smoked Flesh, salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars and all sorts of Salts; & in general all Provisions, which serve for the nourishment of Mankind and the sustenance of Life; furthermore all kinds of

l'exception seulement de celles qui sont designées sous le nom de contrebande. Sous ce nom de contrebande ou de marchandises prohibées doivent être compris les armes, Canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, méches, piques, épées, lances, dards, halberdes, mortiers, petards, granades, salpêtre, fusils, Balles, Bouchiers Casques, Cuirasses, Cote de mailles et autres armes de cette espèce propres à armer les Soldats, porte-mousqueton, baudriers, chevaux avec leurs Equipages, et tous autres instrumens de guerre quelconques. Les marchandises dénoimées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir toutes sortes de draps et toutes autres étoffes de laine, lin, soye, coton ou d'autres matieres quelconques; Toutes sortes de vétemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoyé ou non, l'étain, le fer, laiton cuivre, airain, charbons, de même que le froment et l'orge et toute autre sorte de bleds et légumes; Le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson sallé fromage et beurre, biere, huiles, vins, sucres et toute espece de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie; De plus toutes sortes de coton, de chanvre, lin, goudron, poix, cordes, cables,

Cotton, hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail Cloths, Anchors and any Parts of Anchors; also Ships Masts, Planks, Boards and Beams of what Trees soever; and all other Things proper either for building or repairing Ships, and all other Goods whatever, which have not been worked into the form of any Instrument or thing prepared for War by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other Use; all which shall be wholly reckoned among free Goods: as likewise all other Merchandizes and things, which are not comprehended and particularly mentioned in the foregoing enumeration of contraband Goods: so that they may be transported and carried in the freest manner by the Subjects of both Confederates even to Places belonging to an Enemy such Towns or Places being only excepted as are at that time besieged, blocked up or invested.

ART. 27 [25].

To the End that all manner of Dissentions and Quarrels may be avoided and prevented on one Side and the other, it is agreed, that in case either of the Parties hereto should be engaged in War, the Ships and Vessels belonging

voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, mardriers, et bois de toute espèce et toutes autres choses propres à la construction et reparation des Vaisseaux et autres matieres quelconques qui n'ont pas la forme d'un instrument préparé pour la guerre par terre comme par Mer, ne seront pas reputées contrebande, et encore moins celles qui sont déjà préparées pour quelque autre usage: Toutes les choses dénommées ci-dessus doivent être comprises parmi les marchandises libres de même que toutes les autres marchandises et effets qui ne sont pas compris et particulièrement nommés dans l'énumération des marchandises de Contrebande; De manière qu'elles pourront être transportées et conduites de la manière la plus libre par les sujets des deux parties contractantes dans des places ennemies, à l'exception néanmoins de celles qui se trouveroient actuellement assiégées bloquées ou investies.

ART. 27 [25]

Afin d'écartier et de prévenir de part et d'autre toutes discussions¹ et querelles, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les Vaisseaux et Batimens appartenans aux Sujets

¹ In the French instrument of ratification this word is *dissensions*.

to the Subjects or People of the other Ally must be furnished with Sea Letters or Passports expressing the name, Property and Bulk of the Ship as also the name and Place of habitation of the Master or Commander of the said Ship, that it may appear thereby, that the Ship really & truly belongs to the Subjects of one of the Parties, which Passport shall be made out and granted according to the Form annexed to this Treaty; they shall likewise be recalled every Year, that is if the Ship happens to return home within the Space of a Year. It is likewise agreed, that such Ships being laden are to be provided not only with Passports as above mentioned, but also with Certificates containing the several Particulars of the Cargo, the Place whence the Ship sailed and whither she is bound, that so it may be known, whether any forbidden or contraband Goods be on board the same: which Certificates shall be made out by the Officers of the Place, whence the Ship set sail, in the accustomed Form. And if any one shall think it fit or adviseable to express in the said Certificates the Person to whom the Goods on board belong, he may freely do so.

ART. 28 [26].

The Ships of the Subjects and Inhabitants of either of the Par-

ou Peuple de l'autre Allié devront être pourvus de lettres de Mer, ou passeports, les quels exprimeront le nom, la propriété et le port du Navire, ainsi que le nom et la demeure du maitre ou Commandant dud^t Vaisseau, afin qu'il a paroisse par là que le même vaisseau appartient réellement et véritablement aux sujets de l'une des deux parties contractantes, le quel passeport devra être expédié selon le modèle annexé au present Traité. Ces passeports devront également être renouvelés chaque année dans le cas ou le Vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les Vaisseaux susmentionnés, dans le cas où ils seroient chargés devront être pourvus non seulement de passeports, mais aussi de Certificats contenant le détail de la Cargaison, le lieu d'où le vaisseau est parti et la déclaration des marchandises de Contrebande qui pourroient se trouver à bord; Les quels Certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaisseau aura fait voile, Et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports la personne à la quelle les marchandises appartient, on pourra le faire librement.

ART. 28 [26].

Dans le cas ou les Vaisseaux des sujets et habitans de l'une des

ties, coming upon any Coasts belonging to either of the said Allies, but not willing to enter into Port, or being entred into Port and not willing to unload their Cargoes or break Bulk, they shall be treated according to the general Rules prescribed or to be prescribed relative to the Object in Question.

ART. 29 [27].

If the Ships of the said Subjects, People or Inhabitants of either of the Parties shall be met with either sailing along the Coasts or on the high Seas by any Ship of War of the other or by any Privateers, the said Ships of War or Privateers, for the avoiding of any Disorder shall remain out of Cannon Shot, and may send their Boats aboard the Merchant Ship, which they shall so meet with, and may enter her to number of two or three Men only to whom the Master or Commander of such Ship or Vessel shall exhibit his passport concerning the Property of the Ship made out according to the Form inserted in this present Treaty, and the Ship, when she shall have shewed such Passport shall be free and at Liberty to pursue her Voyage, so as it shall not be lawful to molest or search her in any manner or to give her chase, or force her to quit her intended Course.

deux parties contractantes approcheroient des côtes de l'autre, sans cependant avoir le dessein d'entrer dans le port, ou, après être entré, sans avoir le dessein de décharger la Cargaison ou rompre leur charge, on se conduira à leur égard suivant les réglemens généraux prescrits ou à prescrire relativement à l'objet dont il est question.

ART. 29 [27].

Lorsqu'un Batiment appartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré navigant le long des Côtes ou en pleine Mer par un vaisseau de guerre de l'autre, ou par un Armateur, le dit Vaisseau de guerre ou Armateur, afin d'éviter tout désordre, se tiendra hors de la portée du Canon, et pourra envoyer sa Chaloupe à bord du Batiment marchand et y faire entrer deux ou trois hommes aux quels le Maitre ou Commandant du Batiment montrera son passeport, le quel devra être conforme à la formule annexée au present Traité, et constatera la propriété du Batiment, et après que le dit Batiment aura exhibé un pareil passeport, il lui sera libre de continuer son voiage, et il ne sera pas permis de le molester ni de chercher, en aucune manière, de lui donner la chasse ou de le forcer de quitter la Course qu'il s'étoit proposée.

ART. 30 [28].

It is also agreed that all Goods, when once put on board the Ships or Vessels of either of the two contracting Parties shall be subject to no farther Visitation; but all Visitation or Search shall be made before hand, and all prohibited Goods shall be stopped on the Spot, before the same be put on board, unless there are manifest Tokens or Proofs of fraudulent Practice; nor shall either the Persons or goods of the Subjects of his most Christian Majesty or the United States be put under any arrest or molested by any other kind of Embargo for that Cause; and only the Subject of that State, to whom the said Goods have been or shall be prohibited and who shall presume to sell or alienate such sort of Goods shall be duly punished for the Offence

ART. 31 [29].

The two contracting Parties grant mutually 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.

ART. 32 [30].

And the more to favour and facilitate the Commerce which the

ART. 30 [28].

Il est convenu que lorsque les marchandises auront été chargées sur les Vaisseaux ou Bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujeties à aucune visite; Toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées et saisies sur la plage avant de pouvoir être embarquées, à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des Sujets de Sa Majesté Très Chretienne ou des Etats-unis, ni leurs marchandises ne pourront être arrêtés ni molestés pour cette cause par aucune espèce d'embargo; Et les seuls sujets de l'Etat, auxquels les d^{es} marchandises auront été prohibées, et qui se seront emancipés à vendre et aliéner de pareilles marchandises, seront dûement punis pour cette contravention.

ART 31 [29].

Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs des Consuls, Vice-Consuls, Agents et Commissaires, dont les fonctions seront réglées par une Convention particulière.

ART. 32 [30].

Pour d'autant plus favoriser et faciliter le Commerce que les

Subjects of the United States may have with France, the most Christian King will grant them in Europe one or more free Ports, where they may bring and dispose of all the Produce and Merchandize of the thirteen United States; and his Majesty will also continue to the Subjects of the said States, the free Ports which have been and are open in the french Islands of America. Of all which free Ports, the said Subjects of the United States shall enjoy the Use, agreeable to the Regulations which relate to them.

ART. 33 [31].

The present Treaty shall be ratified on both Sides and the Ratifications shall be exchanged in the Space of Six Months, or sooner if possible.

In Faith whereof the respective Plenipotentiaries have signed the above Articles, both in the French and English Languages, declaring nevertheless that the present Treaty was originally composed and concluded in the French Language, and they have thereto affixed their Seals.

Done at Paris, this Sixth Day of February, one thousand seven hundred & seventy eight

C. A. GERARD B FRANKLIN
[Seal] [Seal]

sujets des Etats-unis feront avec la france, le Roi Très Chretien leur accordera en Europe un ou plusieurs ports francs dans les quels ils pourront amener et débiter toutes les denrées et marchandises provenant des treize Etats-unis; Sa Majesté conservera d'un autre côté aux sujets des dits Etats les ports francs qui ont été et sont ouverts dans les Isles françoises de l'Amerique. De tous les quels Ports francs les dits sujets des Etats-unis jouiront conformément aux réglemens qui en déterminent l'usage.

ART. 33 [31].

Le present Traité sera ratifié de part et d'autre et les ratifications seront echangées dans l'espace de six mois ou plustôt si faire se peut.

En foi de quoi les Plenipotentiaries respectifs ont signé les articles ci-dessus tant en langue Françoise qu'en langue Angloise; Déclarant néanmoins que le present Traité a été originaiement redigé et arrêté en langue françoise; Et Ils y ont apposé le cachet de leurs armes.

Fait à Paris le sixieme jour du mois de fevrier mil sept cent soixante dix huit./.

SILAS DEANE ARTHUR LEE
[Seal] [Seal]

Form of the Passports and Letters, which are to be given to the Ships and Barks, according to the twenty seventh Article of this Treaty.

To all who shall see these Presents greeting: It is hereby made known that leave and Permission has been given to Master and Commander of the Ship called of the town of burthen Tons or thereabouts lying at present in the Port and Haven of and bound for & laden with after that his Ship has been visited and before sailing he shall make Oath before the Officers, who have the Jurisdiction of Maritime Affairs, that the said Ship belongs to one or more of the Subjects of the Act whereof shall be put at the End of these presents, as likewise that he will keep and cause to be kept by his Crew on board, the Marine Ordinances and regulations and enter in the proper Office a List signed and witnessed containing the Names and Surnames, the Places of Birth and abode of the Crew of his Ship and of all who shall embark on board her, whom he shall not take on board without the Knowledge and permission of the Officers of the Marine; and in every Port or Haven where he shall enter with his Ship he shall shew this present Leave to the Officers & Judges of the Marine, and shall give a faith-

Forme des passeports et lettres qui doivent être donnés aux Vaisseaux et Barques conformément à l'article vingt sept du Traité cidessus.

À tous ceux qui les presentes verront, soit notoire que faculté et permission a été accordée à Maitre ou Commandant du Navire appelé de la ville de de la capacite de Tonneaux ou environ, se trouvant presentement dans le Port et Havre de est destiné pour chargé de qu'après que son Navire a été visité, et avant son départ, il prêtera serment entre les mains des Officiers de Marine, que le d. Navire appartient à un ou plusieurs sujets de dont l'acte sera mis à la fin des présentes; de même qu'il gardera et fera garder par son Equipage les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par Temoins, contenant les noms et surnoms, les lieux de naissance et la demeure des personnes composant l'équipage de son Navire et de tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connoissance et la permission des Officiers de Marine; Et dans chaque Port ou Havre où il entrera avec son Navire, il montrera la presente permission aux Officiers et Juges de Marine et leur fera un raport fidèle de ce qui s'est passé durant

ful Account to them of what son voïage, et il portera les cou-
 passed and was done during his leurs, armes et enseignes du (Roi
 Voyage, and he shall carry the ou des Etats unis) durant son
 Colours, Arms and Ensigns of the dit voïage. En temoin de quoi
 (King, or United-States) during nous avons signé les presentes,
 his Voyage. In witness whereof les avons fait contresigner par
 we have signed these Presents and et y avons fait ap-
 put the Seal of our Arms there- poser le sceau de nos armes.
 unto, and caused the same to be Donné le.....
 counter signed by de l'an de grace le
 at the
 Day of A D

NOTES

Notwithstanding the statement in the attestation clause of this treaty that it was "originally composed and concluded in the French Language," much of the language of the English text is that of the "plan of a treaty" voted by Congress on September 17, 1776 (Journals, V, 768-79).

As stated elsewhere generally, pencil notes on an original document are disregarded in the printed text. Thus in the "Form of the Passports" the word "Subjects" (sujets de) is in the original of this treaty crossed out in pencil and in its place is written "citizens," and in the blank following, "the U. S. of A." (citoyens des etats unis d'Amerique); but these and other pencil notations obviously post-date the signature of the treaty and were made after the original was received in this country.

Prior to the Constitution, ratification of treaties by the United States was effected by resolution of Congress; and either as part of the resolution or by separate vote Congress also passed on the form of the instrument of ratification, which in this case is copied in 135 C. C. Papers, I; also in Journals, XI, 462-63. A facsimile of the instrument, received from the French archives, is now in the Department of State file. Like the corresponding French ratification, it recites both the French and the English texts at length, with the English in the left of the two columns. The signature of Henry Laurens (President of Congress) and the attest of Charles Thomson, as Secretary, are at the end; the seal is that of Laurens, as there was then no Great Seal of the United States.

This treaty, with the Treaty of Alliance and the Act Separate and Secret of the same date, was received by Congress on May 2, 1778 (Journals, XI, 418). The three agreements were ratified on May 4, 1778, and the ratifications were concurrently exchanged.

The ratification of the three agreements was prior to the entering into force of the Articles of Confederation (March 1, 1781) and was voted unanimously, although there is no record of the States represented or voting.

Perhaps only nine States were fully represented at that session of Congress on May 4, 1778. It seems clear that New Hampshire and North Carolina were not then represented at all (Journals, X, 399-401; XI, 519, 555); there is doubt as to Delaware, which is recorded as voting on April 26 and again on May 11 (Journals, X, 396; XI, 489), but not in the interval; there is also uncertainty as to Massachusetts, the presence of three delegates being then necessary from that State (Journals, X, 27). Gerry, Lovell, and Dana voted for Massachusetts on April 29 and again on May 8 (Journals, X, 409; XI, 483); but on May 5, when the vote on Articles 11 and 12 of the treaty was recorded, Gerry was absent (Journals, XI, 460). There is no record of any vote in Congress on April 30, May 1, 2, or 4; but there is no reason to doubt that on May 4 all of the remaining nine States were represented (see Burnett, Letters of Members of the Continental Congress, III, li-lxii). So the unanimous vote then taken was that of not more than eleven States and probably of only nine or ten.

The urgency of the occasion overrode any technical necessity of a ratification voted by thirteen States; at least the requirements of the Articles of Confederation for a vote of nine States were satisfied; and while not in force, those Articles had been adopted by Congress on November 15, 1777, and by May 4, 1778, had been ratified by the legislatures of ten States (all but Delaware, New Jersey, and Maryland); and the record of Congress was clear, for it merely recorded unanimity without any listing of the States assenting. Similarly the United States instrument of ratification states that Congress had "unanimously ratified & confirmed."

In June, 1779, there was a separate ratification of this treaty and of the Treaty of Alliance of the same date (Document 2) by Virginia (for an account of this, see Scott, Sovereign States and Suits, 55-56); but whatever political significance this act of Virginia may have had in the circumstances of the time (a point which is interestingly discussed in Doniol, IV, Ch. III), it cannot be considered as adding to the legal effect of the ratifications of the United States and of France, which had been exchanged on July 17, 1778. Each of the two treaties in terms speaks of "the two contracting Parties" (e. g., Treaty of Amity and Commerce, Article 31; Treaty of Alliance, Article 3); and it seems that Congress considered the ratification by Virginia to be *ultra vires* (Doniol, IV, 167, "Le Congrès est un peu affecté d'une dénarche qu'il croit contraire à sa prérogative").

The Department of State file contains no protocol or other record of the exchange of ratifications, and no such record has been found in the archives of France. The date is reported in the letter of Benjamin Franklin, Arthur Lee, and John Adams of July 20, 1778 (see Wharton, Diplomatic Correspondence, II, 650-52).

The French Minister (Gérard) seems not to have been consulted regarding the printing, ordered by Congress November 4, 1778, of this treaty and of the Treaty of Alliance. At that time Gérard had been only a few months in the United States; he had received his

first audience of Congress on August 6, 1778; it was he who had signed the treaties of February 6, 1778, on behalf of France. Gérard, whose full style of name was Conrad Alexandre Gérard de Rayneval, had a younger brother, also in the French diplomatic service, Joseph Matthias Gérard de Rayneval; while Doniol, I, ix, speaks of the notes "des deux Gérard de Rayneval," the older brother is almost invariably mentioned as Gérard and the younger as De Rayneval; the two are not always properly distinguished (see Wharton, Diplomatic Correspondence, I, 124, 209, 335).

Gérard submitted a memorial to Congress on November 20, 1778 (see Wharton, Diplomatic Correspondence, II, 843; Journals, XII, 1149); the original thereof and a translation, which follows, are in 94 C. C. Papers, folios 38, 42:

The Minister of France thinks himself called to the honor of communicating to the President of Congress the Suggestion that usually Treaties are not published till the respective Ratifications are exchanged; and, so far as I am acquainted, that of the King is not yet arrived.

If, however, Congress had motives for proceeding immediately in that publication, the Minister begs them not to desist upon his Suggestion, the Wisdom of its Views meriting all Preference above what we should regard only as a simple Formality.

GERARD

PHILAD^a, 20^a Novr, 1778.

Later on the French comments were much more severe in tone: "such a proceeding is but little consistent with reason, and with the general practice of courts and nations" (see Journals, XIV, 830, 832, July 14, 1779).

NOTE REGARDING ARTICLE 10

As to the Treaty of Paris, see the note regarding Article 6 of the Treaty of Alliance (Document 2).

The Treaty of Utrecht mentioned in Article 10 is the Treaty of Peace and Friendship between Great Britain and France, one of the various acts of April 11, 1713. For references to the text, which was in Latin and French, see Myers, Manual of Collections of Treaties, 58-61. The relevant clauses of the Treaty of Utrecht regarding fishing are Articles 12 and 13, which follow in translation (from British and Foreign State Papers, XXXV, 842-43):

XII. The most Christian King shall take care to have delivered to the Queen of Great Britain, on the same day that the ratifications of this Treaty shall be exchanged, solemn and authentic letter, or instruments, by virtue whereof it shall appear that the Island of St. Christophers is to be possessed alone hereafter by British subjects, likewise all Nova Scotia or Accadie, with its ancient boundaries, as also the city of Port Royal, now called Annapolis Royal, and all other things in those parts, which depend on the said lands and islands, together with the dominion, propriety, and possession of the said islands, lands, and places, and all rights whatsoever, by Treaties, or by any other way obtained, which the most Christian King, the crown of France, or any the subjects thereof, have hitherto had to the said islands, lands, and places, and the inhabitants of the same, are yielded and made over to the Queen of Great Britain, and to her crown for ever, as the most Christian King doth at present yield and make over all the

particulars abovesaid; and that in such ample manner and form, that the subjects of the most Christian King shall hereafter be excluded from all kind of fishing in the said seas, bays, and other places, on the coasts of Nova Scotia, that is to say, on those which lie towards the east, within 30 leagues, beginning from the island commonly called Sable, inclusively, and thence stretching along towards the south-west.

XIII. The island called Newfoundland, with the adjacent islands, shall from this time forward belong of right wholly to Britain; and to that end the town and fortress of Placentia and whatever other places in the said island are in the possession of the French, shall be yielded and given up, within 7 months from the exchange of the ratifications of this Treaty, or sooner if possible, by the most Christian King, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter lay claim to any right to the said island and islands, or to any part of it or them. Moreover it shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any buildings there, besides stages made of boards and huts necessary and usual for drying of fish; or to resort to the said island, beyond the time necessary for fishing and drying of fish. But it shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that of the said Island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the gulf of the same name, shall hereafter belong of right to the French; and the most Christian King shall have all manner of liberty to fortify any place or places there.

NOTE REGARDING ARTICLES 11 AND 12

The treaty is here printed as it was originally signed, with the numbering of the articles unchanged. The very early records and prints in the United States were in this form; and on June 7, 1779, original Article 31 was referred to in Congress by its original number (Journals, XIV, 696). Very soon thereafter, however, and certainly from 1781 on, the prints of the treaty omit Articles 11 and 12 from the text and renumber the articles following so that original Article 13 becomes 11, and so on; indeed the signed treaty has, in pencil, a marginal note to Articles 11 and 12, reading, "to be omitted, & the subsequent numbers changed accordingly." See the reference to various articles of this treaty in Article 22 of the Treaty of Amity and Commerce with the Netherlands of October 8, 1782 (Document 5). In France, however, the very earliest prints, of October, 1778, had no reference to original Articles 11 and 12 (Doniol, III, 521; and see a facsimile of the French print following page 554). Accordingly the article numbers bracketed in the text, from 11 to 31, inclusive, are those of usual reference.

The congressional ratification of May 4, 1778, was complete and unconditional. The next day, however, Congress (by a vote of seven States to two, with one State partially represented but not counted) expressed the desire that Articles 11 and 12 "be revoked and utterly expunged" (Journals, XI, 460; there can be no doubt that this was the vote taken, although the original record in 1 C. C. Papers, XVI, is crossed with three strokes of the pen). While the American Commissioners were instructed accordingly, their formal authority was

not at hand on July 17, 1778, and the ratifications then exchanged recited the entire treaty; although at that time the omission of the two articles received the verbal assent of Count de Vergennes (Wharton, Diplomatic Correspondence, II, 651). It had been discussed even before the signature of the treaty (*ibid.*, 481-82, 485).

Under date of September 1, 1778, Articles 11 and 12 were formally suppressed pursuant to the declarations given below. The original French declaration, which is in French only, and a copy of the American declaration (which is said to be in part in the handwriting of Franklin) are in the Department of State file; but the copy is neither correct nor complete. There is now also in the file a facsimile of the original American declaration, obtained from the French archives; and from this, which is in both languages, the text here is printed. No reference to these declarations has been found in the Journals of Congress, although they are printed in the Library of Congress edition (XI, 461); it is there stated that they are not mentioned in the correspondence of the time; but it appears that the actual exchange of the declarations took place on November 2, 1778, and a copy of the French declaration was transmitted to Congress on November 7 (Wharton, Diplomatic Correspondence, II, 817, 819, 829, 830). With his letter of August 10, 1780, Franklin sent "copies of the instruments" to James Lovell, of the Committee of Foreign Affairs, referring to the numbering of the articles (*ibid.*, IV, 27); and Luzerne made a formal communication to Congress on September 15, 1780, stating that "some American merchants" did not know that Articles 11 and 12 had been suppressed (*ibid.*, IV, 57).

The translation of the French declaration here printed is from that made by John Pintard, which is in the Department of State file; it is substantially the same as that in the Statutes at Large and in various treaty collections.

Numerous translations from the French signed by John Pintard are among the Continental Congress papers. He was born May 18, 1759, was nephew to Elias Boudinot of New Jersey (President of the Continental Congress from 1782 to 1783), was a prominent citizen of New York, and founded the New York Historical Society in 1804. He died June 21, 1844 (James Grant Wilson, John Pintard, Founder of the New York Historical Society).

[Translation]

Le Congrès général des Etats unis de l'Amérique Septentrionale ayant représenté au Roi que l'exécution de l'Article onze du Traité d'amitié et de commerce signé le six du mois de fevrier dernier pourroit entrainer des inconvenients après soi, et ayant désiré en conséquence que cet article demeurât supprimé, consentant en échange que l'Article douze soit également regardé comme non avenu, Sa Majesté, pour donner aux Etats unis de l'Amérique Septentrionale une nouvelle preuve de

The General Congress of the United States of North America having represented to the King that the execution of the eleventh article of the Treaty of Amity and Commerce, signed the sixth of February last, might be productive of inconveniences, and having therefore desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect, His Majesty, in order to give a new proof of his affection, as also of his desire to consolidate the union and

son affection, ainsi que de son desir de consolider l'union et la bonne correspondance etablies entre les deux Etats, a bien voulu avoir égard à leurs représentations; En consequence Sa M^{te} a déclaré et déclare par les présentes qu'Elle consent à la Suppression des articles onze et douze susmentionnés, et que son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le Traité signé le six fevrier dernier.

Fait à Versailles le premier jour du mois de Septembre mil sept cent soixante et dixhuit.

GRAVIER DE VERGENNES

DÉCLARATION.

Le Roi très Chretien ayant voulu avoir égard aux Représentations que lui a faites le Congrès-général de l'Amérique Septentrionale, relativement à l'Article onzième du Traité de Commerce, signé le six Février de la presente Année, et sa Majesté ayant consenti en consequence que le dit Article demeurat supprimé à Condition que l'Article douzième du même Traité fut également regardé comme non-avenue; le Congrès-général a déclaré de son Coté, et déclare qu'il consent à la suppression des Articles onze & douze susmentionnés et son Intention est qu'ils soient regardée comme n'ayant jamais été compris dans le Traité signé le six Fevrier.

Fait à Versailles le premier Septembre mil Sept cens Soixante dix huit./.

B FRANKLIN
ARTHUR LEE
JOHN ADAMS.

good correspondence established between the two States, has been pleased to consider their representations. His Majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth articles aforementioned, and that his intention is that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES

DECLARATION.

The most Christian King having been pleased to regard the Representation made to him by the general Congress of North America, relating to the eleventh Article of the Treaty of Commerce signed the sixth of February in the present Year, and his Majesty having therefore consented that the said Article should be suppressed on Condition that the twelfth Article of the same Treaty be equally regarded as of none Effect; the general Congress hath declar'd on their Part, and do declare, that they consent to the suppression of the eleventh and twelfth Articles of the abovementioned Treaty, and that their Intention is, that these Articles be regarded as having never been comprised in the Treaty sign'd the Sixth of February.

Done at Versailles this first of September One thousand seven hundred and seventy eight.

2

FRANCE : FEBRUARY 6, 1778

Treaty of Alliance, signed at Paris February 6, 1778. Original in English and French; but "originally composed and concluded in the French Language" (see the attestation clause). Ratified by the United States May 4, 1778. Ratified by France July 16, 1778. Ratifications exchanged at Paris (or Versailles) July 17, 1778. Not proclaimed; but see observations as to publication of the Treaty of Amity and Commerce of the same date (Document 1).

Treaty of Alliance

Traité d'Alliance éventuelle et
défensive

The most Christian King and the United States of North America, to wit, Newhampshire, Massachusetts Bay, Rhodesisland, Connecticut, Newyork, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this Day concluded a Treaty of amity and Commerce,¹ for the réciprocal advantage of their Subjects and Citizens have thought it necessary to take into consideration the means of strengthening those engagements and of rondring them useful to the safety and tranquility of the two parties, particularly in case Great Britain in Resentment of that connection and of the good correspondence which is the object of the said Treaty, should

Le Roi Très Chrétien et les Etats-unis de l'Amerique Septentrionale, savoir New-hampshire, la Baye de Massachusset, Rhode-Island Connecticut, Newyork, New-Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Meridionale et Georgie; ayant conclu ce jourd'huy un Traité d'Amitié, de bonne intelligence et de commerce,¹ pour l'avantage réciproque de leurs Sujets et Citoyens, ils ont cru devoir prendre en considération les moyens de resserrer leurs liaisons, et de les rendre utiles à la Sureté et à la tranquillité des deux Parties, notamment dans le cas où la Grande Bretagne, en haine de ces mêmes liaisons et de la bonne correspondance qui for-

¹ Document 1.

break the Peace with france, either by direct hostilities, or by hindring her commerce and navigation, in a manner contrary to the Rights of Nations, and the Peace subsisting between the two Crowns; and his Majesty and the said united States having resolved in that Case to join their Councils and efforts against the Enterprises of their common Enemy, the respective Plenipotentiaries, impower'd to concert the Clauses & conditions proper to fulfil the said Intentions, have, after the most mature Deliberation, concluded and determined on the following Articles.

ART. 1.

If War should break out betwan france and Great Britain, during the continuence of the present War betwan the United States and England, his Majesty and the said united States, shall make it a common cause, and aid each other mutually with their good Offices, their Counsels, and their forces, according to the exigence of Conjonctures as becomes good & faithful Allies.

ART. 2.

The essential and direct End of the present defensive alliance is to maintain effectually the liberty, Sovereignty, and independance absolute and unlimited

ment l'objet du dit Traité, se porteroit à rompre la paix avec la france, soit en l'attaquant hostilement, soit en troublant son commerce et sa navigation, d'une maniere contraire au droit des gens et à la paix subsistante entre les deux Couronnes; Et Sa Majesté et les dits Etats-unis ayant résolu éventuellement d'unir, dans le cas prévu, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les Plenipotéiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération, conclu et arrêté les points et articles qui s'ensuivent.

ARTICLE PREMIER.

Si la guerre éclate entre la france et la Grande Brétagne, pendant la durée de la guerre actuelle entre les Etats-unis et l'Angleterre, Sa Majesté et les dits Etats-unis feront cause commune et s'entr'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsy qu'il convient à de bons et fideles Alliés.

ARTICLE SECOND.

Le but essentiel et direct de la présente alliance deffensive, est de maintenir efficacement la liberte, la souveraineté, et l'indépendance absolue et illimitée

of the said united States, as well in Matters of Gouvernement as of commerce.

ART. 3.

The two contracting Parties shall each on its own Part, and in the manner it may judge most proper, make all the efforts in its Power, against their common Enemy, in order to attain the end proposed.

ART. 4.

The contracting Parties agree that in case either of them should form any particular Enterprise in which the concurrence of the other may be desired, the Party whose concurrence is desired shall readily, and with good faith, join to act in concert for that Purpose, as far as circumstances and its own particular Situation will permit; and in that case, they shall regulate by a particular Convention the quantity and kind of Succour to be furnished, and the Time and manner of its being brought into action, as well as the advantages which are to be its Compensation.

ART. 5.

If the united States should think fit to attempt the Reduction of the British Power remaining in the Northern Parts of America, or the Islands of Bermudas, those Contries or Islands in case of Success, shall be

des dits Etats unis, tant en matière politique que de commerce.

ARTICLE TROIS.

Les deux Parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

ARTICLE QUATRE.

Les Parties contractantes sont convenues que dans le cas où l'une d'entre Elles formeroit quelque entreprise particulière, pour laquelle elle désireroit le concours de l'autre, celle ci, se prêteroit de bonne foi à un concert sur cet objet, autant que les circonstances et sa propre Situation pourront le lui permettre, et dans ce cas, on réglera par une Convention particulière la portée des Secours à fournir, et le tems et la manière de le faire agir, ainsi que les avantages destinés à en former la compensation.

ARTICLE CINQ.

Si les Etats-unis jugent à propos de tenter la reduction des Isles Bermudes et des parties septentrionales de l'Amérique qui sont encore au pouvoir de la Grande Bretagne, les dites Isles et Contrées, en cas de Succès,

confederated with or dependant upon the said united States.

ART. 6.

The Most Christian King renounces for ever the possession of the Islands of Bermudas as well as of any part of the continent of North america which before the treaty of Paris in 1763. or in virtue of that Treaty, were acknowledged to belong to the Crown of Great Britain, or to the united States heretofore called British Colonies, or which are at this Time or have lately been under the Power of The King and Crown of Great Britain.

ART. 7.

If his Most Christian Majesty shall think proper to attack any of the Islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the Power of Great Britain, all the said Isles, in case of success, shall appertain to the Crown of france.

ART. 8.

Neither of the two Parties shall conclude either Truce or Peace with Great Britain, without the formal consent of the other first obtain'd; and they mutually engage not to lay down their arms, until the Independence of the united states shall have been for-

entreront dans la confédération ou seront dépendantes des dits Etats-unis.

ARTICLE SIX.

Le Roi très Chrétien renonce à posséder jamais les Bermudes ni aucune des parties du Continent de l'Amérique Septentrionale qui, avant le Traité de Paris de mil sept cent soixante trois, ou en vertu de ce Traité, ont été reconnues appartenir à la Couronne de la Grande Bretagne ou aux Etats-unis, qu'on appelloit ci devant Colonies Britanniques, ou qui sont maintenant ou ont été récemment sous la Jurisdiction et sous le pouvoir de la Couronne de la Grande Bretagne.

ARTICLE SEPT.

Si Sa Majesté Très Chrétienne juge à propos d'attaquer aucune des Isles situées dans le Golphe de Méxique ou près du dit Golphe, qui sont actuellement au pouvoir de la Grande Bretagne, toutes les dites Isles, en cas de succès, appartiendront à la Couronne de France.

ARTICLE HUIT.

Aucune des deux Parties ne pourra conclure ni trêve ni paix avec la Grande Brétagne, sans le consentement préalable et formel del'autre Partie, et Elles'engagent mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits Etats-unis aura été

mally or tacitly assured by the Treaty or Treaties that shall terminate the War.

ART. 9.

The contracting Parties declare, that being resolved to fulfil each on its own Part the clauses and conditions of the present Treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other whatever may be the event of the War.

ART. 10.

The Most Christian King and the United states, agree to invite or admit other Powers who may have received injuries from England to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the Parties.

ART. 11.

The two Parties guarantee mutually from the present time and forever, against all other powers, to wit, the united states to his most Christian Majesty the present Possessions of the Crown of France in America as well as those which it may acquire by the future Treaty of peace: and his most Christian Majesty guarantees on his part to the united states, their liberty, Sovereignty, and Independence absolute, and unlimited,

assurée formellement ou tacitement par le Traité ou les Traités qui termineront la guerre.

ARTICLE NEUF.

Les Parties contractantes déclarent, qu'étant résolues de remplir chacune de son côté les clauses et conditions du présent Traité d'alliance selon son pouvoir et les circonstances, Elles n'auront aucune répétition, ni aucun dédommagement à se demander réciproquement, quelque puisse être l'événement de la guerre.

ARTICLE DIX.

Le Roi Très Chrétien et les Etats-unis sont convenus d'inviter de concert ou d'admettre les Puissances, qui auront des griefs contre l'Angleterre, à faire cause commune avec Eux, et à accéder à la présente alliance, sous les conditions qui seront librement agréées et convenues entre toutes les Parties.

ARTICLE ONZE

Les deux Parties se garantissent mutuellement dès à présent et pour toujours envers et contre tous, savoir les Etats-unis à Sa Majesté très Chrétienne les possessions actuelles de la Couronne de France en Amérique, ainsi que celles qu'Elle pourra acquérir par le futur Traité de paix; Et Sa Majesté Très Chrétienne garantit de son côté aux Etats-unis leur liberté, leur souveraineté et leur indépendance absolue et illimitée,

as well in Matters of Government as *commerco* and also thair Possessions, and the additions or conquests that their Confédération may obtain during the war, from any of the Dominions now or heretofore possessed by Great Britain in North America, conformable to the 5th & 6th articles above written, the whole as their Possessions shall be fixed and assured to the said States at the moment of the cessation of their present War with England.

ART. 12.

In order to fix more precisely the sense and application of the preceding article, the Contracting Parties declare, that in case of a rupture between France and England, the reciprocal Guarantee, declared in the said article shall have its full force and effect the moment such War shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence, until the moment of the cessation of the present War between the united States and England shall have ascertained their Possessions.

ART. 13.

The present Treaty shall be ratified on both sides and the Ratifications shall be exchanged in the space of six months, or sooner if possible.

tant en matière de politique que de commerce, ainsi que leurs possessions et les accroissements ou conquêtes que leur confédération pourra se procurer pendant la guerre, d'aucun des Domaines maintenant ou ci devant possédés par la Grande Bretagne dans l'Amérique Septentrionale, conformément aux articles cinq et six ci dessus, et tout ainsi que leurs possessions seront fixées et assurées aux dits Etats, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ARTICLE DOUZE.

Afin de fixer plus précisément le sens et l'application de l'article précédent, les Parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque énoncée dans le sus dit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment sus dit, où la cessation de la guerre actuelle entre les Etats unis et l'Angleterre, aura fixé leurs possessions.

ARTICLE TREIZE.

Le present Traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plustôt, si faire se peut.

In faith where of the respective Plenipotentiaries, to wit on the part of the most Christian King Conrad Alexander Gerard royal syndic of the City of Strasbourgh & Secretary of his majestys Council of State and on the part of the United States Benjamin Franklin Deputy to the General Congress from the State of Pennsylvania and President of the Convention of the same state, Silas Deane heretofore Deputy from the State of Connecticut & Arthur Lee Councillor at Law have signed the above Articles both in the French and English Languages declaring Nevertheless that the present Treaty was originally composed and concluded in the French Language, and they have hereunto affixed their Seals

Done at Paris, this sixth Day of February, one thousand seven hundred and seventy eight.

C. A. GERARD B FRANKLIN
[Seal] [Seal]

En foi de quoi les Plenipotentiaries respectifs savoir de la part du Roi Très Chretien le S^r Conrad, Alexandre Gerard Sindic royal de la ville de Strasbourg et Sécraire du Conseil d'Etat de Sa Majesté, et de la part des Etats-unis les S^{rs} Benjamin franklin Deputé au Congrès général de la part de l'Etat de Pensylvanie et President de la Convention du meme Etat, Siles Deane Cy devant Député de l'Etat de Connecticut et Arthur Lee *Conseiller ès loix* ont signé les articles ci dessus, tant en langue françoise qu'en langue Angloise, déclarant néanmoins que le present Traité a été originairement redigé et arrêté en langue françoise, et ils les ont munis du cachet de leurs armes.

Fait à Paris le sixieme jour du mois de fevrier mil sept cent soixante dixhuit./.

SILAS DEANE ARTHUR LEE
[Seal] [Seal]

NOTES

As to the ratifications and exchange of ratifications of this treaty, and also as to the publication thereof, see the notes to the Treaty of Amity and Commerce (Document 1).

The United States instrument of ratification is copied in 135 C. C. Papers, I; also in Journals, XI, 462-63. A facsimile of the instrument, received from the French archives, is now in the Department of State file. It is similar in form to the United States instrument of ratification of the Treaty of Amity and Commerce; unlike the corresponding French instrument of ratification, however, it does not include the Act Separate and Secret (Document 3); as copied in 135 C. C. Papers, I, the instrument includes both agreements.

The opening words of this treaty and of the Treaty of Amity and Commerce are similar; in this treaty they are "The most Christian King and the United States of North America."

The principle of the *alternat* would now require that in the text of that one of the two signed originals of a bilateral treaty which was intended for this country, the United States should be named first and the other party to the treaty second. In the eighteenth century this was not the case; there was then a relative precedence in this and other respects, as among certain monarchs (see Satow, *Diplomatic Practice*, I, Ch. IV; Crandall, *Treaties, Their Making and Enforcement*, 5, 32); and a monarch was named in a treaty before a republic (*Diplomatic Correspondence, 1783-1789*, I, 380-81).

The comment in Moore's *Digest*, V, 181, refers to the fact of such rank in various early treaties with Great Britain; but the practice prevailed in most of the European treaties made by the United States prior to 1815, including those with France of 1778, 1782, 1783, and 1788, the Netherlands of 1782, Sweden of 1783, Prussia of 1785 and 1799, and Spain of 1795 and 1802.

So far as concerns precedence between texts when there were two, the practice varied during the period in question. In the three treaties with France of February 6, 1778, and in the treaty with Spain of 1795, the English text is in the left column of the originals in the Department of State archives; but in the treaties with the Netherlands of 1782, with Prussia of 1785 and 1799, and with Spain of 1802, the foreign text is to the left (column or page) of the English.

NOTE REGARDING ARTICLE 6

The Treaty of Paris was signed, in French, on February 10, 1763. The parties were France, Great Britain, and Spain, and Portugal acceded. For the text see Von Martens, *Recueil de traités*, 2d ed., I, 104-21.

Various articles, perhaps even the whole treaty, are relevant either here or in respect of Article 10 of the Treaty of Amity and Commerce (Document 1).

Those which follow in translation (from Chalmers, *A Collection of Treaties between Great Britain and Other Powers*, I, 471-75, 479-80) are Articles 4-9 and Article 20:

IV. His most Christian Majesty renounces all pretensions, which he has heretofore formed, or might form, to Nova Scotia or Acadia, in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: moreover, his most Christian Majesty cedes and guaranties to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts in the gulph and river St. Laurence, and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights, acquired by treaty or otherwise, which the most Christian King, and the crown of France, have had till now over the said countries, islands, lands, places, coasts, and their inhabitants, so that the most Christian King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above-mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: he will consequently give the most precise and most effectual orders,

that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire, with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to subjects of his Britannic Majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Laurence;) and his Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph St. Laurence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph St. Laurence. And as to what relates to the fishery on the coasts of the island of Cape Breton out of the said gulph, the subjects of the most Christian King 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; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

VI. The King of Great Britain cedes the islands of St. Pierre and Miquelon, in full right, to his most Christian Majesty, to serve as a shelter to the French fishermen: and his said most Christian Majesty engages not to fortify the said islands; to erect no buildings upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police.

VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannic Majesty, and those of his most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes in full right, and guaranties to his Britannic Majesty, the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans, and the island in which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, inserted in the IVth article, in favour of the inhabitants of Canada, shall also take place with regard to the inhabitants of the countries ceded by this article.

VIII. The King of Great Britain shall restore to France the islands of Guadeloupe, of Marie Galante, of Desirade, of Martinico, and of Belleisle; and the fortresses of these islands shall be restored in the same condition they were in when they were conquered by the British arms; provided that his Britannic Majesty's subjects, who shall have settled in the said islands, or those who shall have any commercial affairs to settle there, or in the other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels, which they shall be permitted to send

to the said islands, and other places restored as above, and which shall serve for this use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Britannic Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty; but, as the liberty, granted to his Britannic Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them; it has been expressly agreed between his Britannic Majesty and his most Christian Majesty, that the number of English vessels, which shall have leave to go to the said islands and places restored to France, shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only, all the effects, belonging to the English, being to be embarked at the same time. It has been further agreed, that his most Christian Majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two French clerks, or guards, in each of the said vessels, which shall be visited in the landing places and ports of the said islands, and places, restored to France, and that the merchandise, which shall be found therein, shall be confiscated.

IX. The most Christian King cedes and guaranties to his Britannic Majesty, in full right, the islands of Grenada, and of the Grenadines, with the same stipulations in favour of the inhabitants of this colony, inserted in the IVth article for those of Canada: and the partition of the islands, called Neutral, is agreed and fixed, so that those of St. Vincent, Dominica, and Tobago, shall remain in full right to Great Britain, and that of St. Lucia shall be delivered to France, to enjoy the same likewise in full right; and the high contracting parties guaranty the partition so stipulated.

XX. In consequence of the restitution stipulated in the preceding article, his Catholic Majesty cedes and guaranties, in full right, to his Britannic Majesty, Florida, with Fort St. Augustin, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east, or to the south-east, of the river Mississippi; and, in general, every thing that depends on the said countries, and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholic King, and the crown of Spain, have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholic King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form. His Britannic Majesty agrees, on his side, to grant to the inhabitants of the countries, above ceded, the liberty of the Catholic religion: he will consequently give the most express and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit: his Britannic Majesty further agrees, that the Spanish inhabitants, or others, who had been subjects of the Catholic King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannic Majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholic Majesty shall have power to cause all the effects, that may belong to him, to be brought away, whether it be artillery or other things.

3

FRANCE : FEBRUARY 6, 1778

Act Separate and Secret, signed at Paris February 6, 1778. Original in English and French.

Ratified by the United States May 4, 1778. Ratified by France July 16, 1778. Ratifications exchanged at Paris (or Versailles) July 17, 1778. Not proclaimed.

Act separate and secret.

The most Christian King declares in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the united states of America this Treaty of amity and commerce,¹ and that of eventual and defensive alliance,² his Majesty hath intended and intends to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty, the Power of acceding to the said Treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood nevertheless, that if any of the Stipulations of the said Treatys are not agreeable to the King of Spain, his Catholick Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the Rules of equality, reciprocity & friendship.

Acte Séparé et Secret.

Le Roi très Chrétien déclare en conséquence de l'union intime qui subsiste entre lui et le Roi d'Espagne, qu'en concluant avec les Etats-unis de l'Amérique Septentrionale le traité d'amitié et de commerce¹ et celui d'alliance éventuelle et défensive,² Sa Majesté a entendu et entend réserver expressement, comme elle réserve par le présent acte Séparé et Secret à Sa dite Majesté Catholique la faculté d'accéder aux dits Traités, et de participer à Leurs Stipulations, dans quelque tems qu'Elle le juge à propos, bien entendu néanmoins que si quelques unes des Stipulations des dits Traités ne convenoient point au Roi d'Espagne, Sa Majesté Catholique seroit Maitresse de proposer d'autres conditions analogues au but principal de l'Alliance, et conformes aux loix de l'égalité, de la réciprocité et de l'amitié.

¹ Document 1.

² Document 2.

The Deputies of the united states in the name of their constituents, accept the present Declaration in its full extent and the Deputy of the said states who is fully impowerd to treat with Spain, promises to sign on the first Réquisition of his Catholic Majesty, the act or acts necessary to communicate to him the Stipulations of the Treaties above written; and the said Deputy shall endeavour in good faith the adjustment of the points in which the King of Spain may propose any alteration, conformable to the principles of equality, reciprocity and the most sincere and perfect amity; he the said Deputy not doubting but that the Person or Persons impower'd by his Catholic Majesty to treat with the United States will do the same with regard to any Alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States. In Faith whereof the respective Plenipotentiaries have signed the present separate and secret Article, and affixed to the same their Seals.

Done at Paris, this sixth Day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD B FRANKLIN
[Seal] [Seal]

Les Députés des Etats-unis au nom de leurs commettans acceptent la présente Déclaration dans toute son étendue, et le Député des dits Etats spécialement chargé des pleinpouvoirs, pour traiter avec la Couronne d'Espagne, promet de signer à la première réquisition de Sa Majesté Catholique l'acte ou les actes nécessaires, pour lui rendre communes les Stipulations des Traités ci dessus relatés, et le dit Député se prêtera de bonne foi à l'ajustement des points auxquels le Roi d'Espagne voudroit apporter quelques changemens, conformément aux principes de l'égalité, de la réciprocité et de l'amitié la plus parfaite et la plus sincère, ne doutant pas le dit Député que la personne ou les personnes qui seront autorisées par le Roi Catholique à traiter avec les Etats unis, n'en usent de même, relativement aux changemens de la même nature que le dit Plenipotentiaire des Etats unis pourra juger nécessaires

En foi de quoi les Plénipotentiaires respectifs ont signé le présent article Separé et Secret, et y ont apposé le cachet de leurs armes.

Fait à Paris le sixieme jour du mois de fevrier mil sept cent soixante dixhuit./.

SILAS DEANE
[Seal]

ARTHUR LEE
Deputé plenipotentiaire pour la France et l'Espagne [Seal]

NOTES

As to the ratifications and exchange of ratifications of this act, see generally the notes to the two preceding documents. The instrument of ratification of the Treaty of Alliance on the part of France includes this act also. The United States instrument of ratification of this act is a separate document. A facsimile thereof, received from the French archives, is now in the Department of State file; in form it is similar to the ratifications of the Treaty of Amity and Commerce and the Treaty of Alliance. In 135 C. C. Papers, I, the United States instrument is set forth as including both the Treaty of Alliance and the Act Separate and Secret; in this regard the copy in Journals, XI, 462-63, is more correct.