

FRANCE : APRIL 30, 1803

Treaty for the Cession of Louisiana, signed at Paris April 30, 1803. Original in English and French; but "originally agreed to in the French language" (see the attestation clause).

Submitted to the Senate October 17, 1803. Resolution of advice and consent October 20, 1803. Ratified by the United States October 21, 1803. Ratified by France May 22, 1803. Ratifications exchanged at Washington October 21, 1803. Proclaimed October 21, 1803.

Treaty between the United States of America and the French Republic

The President of the United States of America and the First Consul of the French Republic in the name of the French People desiring to remove all Source of misunderstanding relative to objects of discussion mentioned in the Second and fifth articles of the Convention¹ of the 8th Vendémiaire an 9/30 September 1800 relative to the rights claimed by the United States in virtue of the Treaty² concluded at Madrid the 27 of October 1795, between His Catholic Majesty, & the Said United States, & willing to Strengthen the union and friendship which at the time of the Said Convention was happily reestablished between the two nations have respectively named their Plenipotentiaries to wit The

Traité Entre les Etats-unis d'Amérique et la République Française.

Le Président des Etats unis d'amérique, Et le Premier Consul de la République française, au nom du peuple française, désirant prevenir tout Sujet de més intelligence, relativement aux objets de discussion mentionnés dans les articles 2 et 5. de la Convention¹ du 8 Vendemiaire an 9/30 7^{bre} 1800. et relativement aux droits réclamés pour les Etats unis en vertu du traité² conclu à Madrid le 27. Octobre 1793, Entre Sa Majesté catholique et lesdits Etats unis: et voulant fortifier de plus en plus les rapports d'union et d'amitié qui, à l'époque de la ditte convention, ont été heureusement rétablis entre les deux Etats, ont respectivement nommé pour Plénipotentiaries Savoir: Le président des Etats-unis d'Amérique, par et

¹ Document 25.

² The treaty of October 27, 1795, is Document 18.

President of the United States, by and with the advice and consent of the Senate of the Said States; Robert R. Livingston Minister Plenipotentiary of the United States and James Monroe Minister Plenipotentiary and Envoy extraordinary of the Said States near the Government of the French Republic; And the First Consul in the name of the French people, Citizen Francis Barbé Marbois Minister of the public treasury who after having respectively exchanged their full powers have agreed to the following Articles.

ARTICLE I

Whereas by the Article the third of the Treaty¹ concluded at S^t Idelfonso the 9th Vendémiaire an 9/1st October 1800 between the First Consul of the French Republic and his Catholic Majesty it was agreed as follows.

“His Catholic Majesty promises and engages on his part to cede to the French Republic six months after the full and entire execution of the conditions and Stipulations herein relative to his Royal Highness the Duke of Parma, the Colony or Province of Louisiana with the Same extent that it now has in the hands of Spain, & that it had when France possessed it; and Such as it Should be after the Treaties¹ subsequently entered into between Spain and other States”.

avec l'avis et le consentement du Senat desdits Etats, Robert R. Livingston ministre plénipotentiaire des Etats unis, & James Monroé, ministre plénipotentiaire et envoyé extraordinaire desdits Etats auprès du Gouvernement de la République française; Et le Premier Consul au nom du peuple français, le Citoyen François Barbémarbois Ministre du trésor public Lesquels après avoir fait l'échange de leurs pleins pouvoirs, sont convenus des articles suivans.

ART. 1^{er}:

Attendu que par l'article 3 du traité¹ conclu à S^t Ildephonse le 9 Vendémiaire an 9/1^{er} Octobre 1800. entre le Premier Consul de la République française et Sa Majesté Catholique, il a été convenu ce qui Suit:

“Sa Majesté Catholique promet et s'engage de son côté a retro-céder à la République française; six mois après l'exécution pleine et entière des conditions et Stipulations ci dessus relatives à Son Altesse royale le duc de Parme, la Colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avoit lorsque la France la possédoit, et telle qu'elle doit être, d'après les traités¹ passés subséquemment entre l'Espagne et d'autres Etats”

¹ See the note regarding Article 1.

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in the name of the French Republic for ever and in full Sovereignty the said territory with all its rights and appurtenances as fully and in the Same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

ART: II

In the cession made by the preceding article are included the adjacent Islands belonging to Louisiana all public lots and Squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property.—The Archives, papers & documents relative to the domain and Sovereignty of Louisiana and its dependances will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of Such of the said papers and documents as may be necessary to them.

Et comme par suite dudit traité, et spécialement dudit article 3 la République française a un titre incontestable au domaine et à la possession dudit territoire, Le premier Consul de la République désirant de donner un témoignage remarquable de son amitié aux dits Etats unis, il leur fait au nom de la République française, cession, à toujours et en pleine souveraineté, dudit territoire, avec tous ses droits et appartenances, ainsi et de la manière qu'ils ont été acquis par la République française, en vertu du traité susdit, conclu avec Sa Majesté Catholique

ART. 2

Dans la cession faite par l'article précédent, Sont Compris les Isles adjacentes, dépendantes de la Louisiane, Les emplacements et places publiques, les terrains vacans, tous les batimens publics, fortifications casernes et autres edifices qui ne sont la propriété d'aucun individu. Les archives, papiers et documens, directement relatifs au domaine et à la souveraineté de la Louisiane et dépendances seront laissés en la possession des Commissaires des Etats unis, et il sera ensuite remis des expéditions en bonne forme aux Magistrats et administrateurs locaux, de ceux des dits papiers & documens qui leur seront nécessaires.

ART: III

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

ART: IV

There Shall be Sent by the Government of France a Commissary to Louisiana to the end that he do every act necessary as well to receive from the Officers of his Catholic Majesty the Said country and its dependances in the name of the French Republic if it has not been already done as to transmit it in the name of the French Republic to the Commissary or agent of the United States.

ART: V

Immediately after the ratification of the present Treaty by the President of the United States and in case that of the first Consul's shall have been previously obtained, the Commissary of the French Republic shall remit all military posts of New Orleans and other parts of the ceded territory to the Commissary or Commissaries named

ARTICLE 3

Les habitans des territoires cédés, seront incorporés dans l'union des états-unis, et admis aussitôt qu'il sera possible, d'après les principes de la constitution fédérale, à la jouissance de tous les droits, avantages et immunités des Citoyens des Etats-unis, et en attendant, ils seront maintenus & protégés dans la jouissance de leurs libertés, propriétés & dans l'exercice des religions qu'ils professent.

ARTICLE 4.

Il sera envoyé de la part du Gouvernement français, un Commissaire à la Louisiane, à l'effet de faire tous les actes nécessaires, tant pour recevoir des officiers de sa Majesté Catholique, les dits pays, contrées & dépendances, au nom de la République française, si la chose n'est pas encore faite, que pour les transmettre audit nom, aux Commissaires ou agens des Etats-unis.

ARTICLE 5

Immédiatement après la ratification du présent traité par le Président des Etat-unis, et dans le cas où celle du Premier Consul aurait eu préalablement lieu, le Commissaire de la République française remettra tous les postes militaires de la nouvelle Orléans et autres parties du territoire cédé, au Commissaire ou aux Commissaires nommés par le

by the President to take possession—the troops whether of France or Spain who may be there shall cease to occupy any military post from the time of taking possession and shall be embarked as soon as possible in the course of three months after the ratification of this treaty.

ART: VI

The United States promise to execute Such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the United States and the said tribes or nations other Suitable articles Shall have been agreed upon.¹

ART: VII

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties that the French Ships coming directly from France or any of her colonies loaded only with the produce and manufactures of France or her Said Colonies; and the Ships of Spain coming directly from Spain or any of her colonies loaded only

Président, pour la prise de possession. Les troupes françaises ou espagnoles qui s'y trouveront, cesseront d'occuper les postes militaires du moment de la prise de possession et seront embarquées aussitôt que faire se pourra, dans le courant des trois mois qui suivront la ratification du traité

ARTICLE 6.

Les Etats-unis promettent d'exécuter les traités et articles qui pourraient avoir été convenus entre l'Espagne et les Tribus et nations indigènes, jusqu'à ce que, du consentement mutuel des Etats-unis d'une part, & desdits indigènes de l'autre, il y ait été substitué tels autres articles qui seront jugés convenables.¹

ARTICLE 7.

Comme il est réciproquement avantageux au commerce de la France et des Etats-unis, d'encourager la communication des deux peuples, pour un tems limité, dans les contrées dont il est fait cession, par le présent traité, jusqu'à ce que des arrangements généraux relatifs au commerce des deux nations, puissent être convenus, il a été arrêté entre les parties contractantes que les navires français venant directement de France ou d'une de ses Colonies, uniquement chargés des produits des manufactures de la France et de ses dites colonies, et les navires

¹ See the note regarding Article 6.

with the produce or manufactures of Spain or her Colonies Shall be admitted during the Space of twelve years in in the Port of New-Orleans and in all other legal ports-of-entry within the ceded territory in the Same manner as the Ships of the United States coming directly from France or Spain or any of their Colonies without being Subject to any other or greater duty on merchandize or other or greater tonnage than that paid by the citizens of the United States.

During the Space of time above mentioned no other nation Shall have a right to the Same privileges in the Ports of the ceded territory—the twelve years Shall commence three months after the exchange of ratifications if it Shall take place in France or three months after it Shall have been notified at Paris to the French Government if it Shall take place in the United States;¹ It is however well understood that the object of the above article is to favour the manufactures, Commerce, freight and navigation of France and of Spain So far as relates to the importations that the french and Spanish Shall make into the Said

Espagnols venant directement des ports d'Espagne ou de ceux de ses colonies, uniquement chargés des produits des manufactures de l'Espagne et de ses dites colonies, seront admis pendant l'espace de douze années, dans le port de la Nouvelle Orléans et dans tous les autres ports légalement ouverts, en quelque lieu que ce soit des territoires cédés ainsi, et de la manière que les navires des Etats unis venant de France & d'Espagne, ou d'aucune de leurs Colonies, sans être sujets à d'autres ou plus grands droits sur les marchandises ou d'autres ou plus grands droits de tonnage, que ceux qui sont payés par les Citoyens des Etats unis.

Pendant l'espace de tems ci dessus mentionné aucune nation n'aura droit aux mêmes privilèges, dans les ports du territoire cédé.

Les douze années commenceront trois mois après l'échange des ratifications, s'il a lieu en France, ou trois mois après qu'il aura été notifié à Paris au Gouvernement français, s'il a lieu dans les Etats unis.¹

Il est bien entendu que le but du présent article est de favoriser les manufactures, le commerce à frêt & la navigation de la France et de l'Espagne, en ce qui regarde les importations qui seront faites par les français et par les espagnols dans les dits ports des Etats-unis,

¹ See the note regarding Article 7.

Ports of the United States without in any Sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make Such regulations.

ART: VIII:

In future and for ever after the expiration of the twelve years, the Ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

ART: IX

The particular Convention¹ Signed this day by the respective Ministers having for its object to provide for the payment of debts due to the Citizens of the United States by the French Republic prior to the 30th Sept^r 1800 (8th Vendémiaire an 9) is approved and to have its execution in the Same manner as if it had been inserted in this present treaty and it Shall be ratified in the Same form and in the Same time So that the one Shall not be ratified distinct from the other.

Another particular Convention² Signed at the Same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved and will be ratified in the Same form, and in the Same time and jointly.

sans qu'il soit rien innové aux réglemens concernant l'exportation des produits et marchandises des états-unis, & aux droits qu'il ont de faire les dits réglemens.

ART^o 8.

A l'avenir, et pour toujours, après l'expiration des douze années sus dites, les navires français seront traité sur le pied de la nation la plus favorisée, dans les ports ci dessus mentionnés.

ART^o 9.

La Convention¹ particulière signée aujourd'hui, par les Ministres respectifs, ayant pour objet de pourvoir au paiement des créances dues aux Citoyens des Etats unis, par la République française, antérieurement au 8 Vendémiaire an 9/30 Septembre 1800. est approuvée, pour avoir son exécution de la même manière, que si elle était insérée au présent traité, et elle sera ratifiée en la même forme et en même tems en sorte que l'une ne puisse l'être sans l'autre.

Un autre acte² particulier, signé à la même date que le présent traité, relatif à un règlement définitif entre les puissances contractantes, est pareillement approuvé, et sera ratifié en la même forme, en même tems & conjointement.

¹ Document 30.

² Document 29.

ART X

The present treaty Shall be ratified in good and due form and the ratifications Shall be exchanged in the Space of Six months after the date of the Signature by the Ministers Plenipotentiary or Sooner if possible.

In faith whereof the respective Plenipotentiaries have Signed these articles in the French and English languages; declaring nevertheless that the present Treaty was originally agreed to in the French language; and have thereunto affixed their Seals.

Done at Paris the tenth day of Floreal in the eleventh year of the French Republic; and the 30th of April 1803

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

BARBÉ MARBOIS

[Seal]

ART^e 10.

Le présent traité sera ratifié en bonne & due forme, et les ratifications seront échangées dans l'espace de six mois, après la date de la signature des plénipotentiaires ou plutôt s'il est possible.

En foi dequoi les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue française qu'en langue Anglaise, déclarant néanmoins que le présent traité a été originairement rédigé & arrêté en langue française, & ils y ont apposé leur sceau.

Fait à Paris le dixième jour de floréal de l'an onze de la République française & le trente Avril mil huit cent trois.

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

BARBÉ MARBOIS

[Seal]

NOTES

This treaty and the two conventions of the same date (Documents 29 and 30) formed together one transaction; they were concurrently signed; and by the express terms of Article 9 of the treaty their ratifications were interdependent and were concurrently exchanged.

The English and French texts of the signed originals of each of the three agreements in the Department of State file are separate papers. In the respective attestation clauses it is declared, in somewhat varying forms of wording in the English texts, that the agreements were first drafted and agreed on in French; but the *alternat* was observed throughout; in each original in the file the United States of America is named before the French Republic, the President before the First Consul, and the signatures of the American

plenipotentiaries (except in the French text of Document 30) are at the left. Accordingly, the respective English texts are here printed in the left column.

Each written page of the French text of this treaty prior to the page of signature, is initialed by Livingston and Marbois; those initials are not shown in the print here; and such of the dates mentioned in either text in two styles as are written one above the other and bracketed in the original, are here printed with a shilling mark. It may be added that the original texts of all three agreements, especially in the English, indicate haste in their preparation; as examples may be noted the year 1793 given in the preamble (French) of this treaty as the date of the treaty of 1795 with Spain (Document 18), and "présent" for "preceding" in Article 2 of Document 30.

There were three French instruments of ratification, one for each agreement. They recited the respective French texts only. The three instruments were forwarded by Livingston and Monroe to Secretary of State Madison under date of June 7, 1803, for delivery to the French Chargé d'Affaires, Louis André Pichon; and thus ratifications were agreed to be exchanged at Washington, although the texts left the point open (see Article 7 of this treaty and also American State Papers, Foreign Relations, II, 563-65).

The attested copy of the Senate resolution of October 20, 1803, which is in the Department of State file, differs slightly in wording from that printed in Executive Journal, I, 450.

One instrument of ratification on the part of the United States included the three agreements. There is a quite incomplete duplicate of it in the file, signed by Jefferson; some parts of the paper have been torn away, including the imprint of the Great Seal and the attest of Madison; and the texts of the three agreements are not now with that single sheet of paper.

The protocol of the exchange of ratifications on October 21, 1803, is affixed to the French instrument of ratification of this treaty. It is in simple form, in French and English, signed and sealed by Madison and Pichon. A French proposal and an American counter proposal to insert in the text declarations regarding the delivery of Louisiana to the United States were abandoned (D. S., 14 Domestic Letters, 213).

The message of President Jefferson to Congress of October 17, 1803 (Richardson, I, 357-62), communicated the fact of the cession of Louisiana, on the same day that the treaty and the two conventions were submitted to the Senate. The texts of the three agreements were published in the press immediately following the Senate action on October 20; thus in the Federal Gazette and Baltimore Daily Advertiser of October 22, an article dated the previous day said, "Yesterday at about 5 o'clock P. M. the senate ratified the Louisiana Treaty," and the English texts of the agreements were printed.

The original proclamation of the three agreements has not been found, but it was published at the time; its provisions (without the texts) appear in the issue of the newspaper above mentioned of November 4, 1803.

The proclamation is printed in full in *The Laws of the United States*, Folwell ed., VII, 167-95 (that volume is dated 1806, but its first part, including the acts of the first session of the Eighth Congress, doubtless appeared as early as 1804); it includes both texts of the treaty and of the two conventions and is dated merely "in the year of our Lord one thousand eight hundred and three, and of the sovereignty and independence of the United States, the twenty eighth"; but there is little doubt that the actual date was October 21, 1803; on that day the three agreements were communicated to both Houses of Congress (*American State Papers, Foreign Relations, II, 507; Richardson, I, 362-63*).

Also in the treaty file is a note of Pichon to the Secretary of State, dated January 25, 1804, enclosing the original protocol of the delivery of Louisiana by Spain to France on November 30, 1803, at New Orleans; that document is in French and Spanish, signed and sealed by the representatives of the two countries. The English text of the similar document of December 20, 1803, when Louisiana was delivered by France to the United States, is printed in *American State Papers, Foreign Relations, II, 582*.

In the meantime statutes for the execution of the agreements on the part of the United States had been enacted (act of October 31, and two acts of November 10, 1803, 2 Statutes at Large, 245-48), and the question of the limits of the ceded territory, which in its various phases was destined to be discussed for the next fifteen years, was kept in the background (see the letter of Madison to Livingston, March 31, 1804, *American State Papers, Foreign Relations, II, 575-78*; and also the letter of Jefferson to William Dunbar of September 21, 1803, *The Works of Thomas Jefferson, X, 20-21*).

EARLIER PUBLICATION

The despatches from Paris with the treaty and the two conventions were received at Washington on July 14, 1803. On the following day Jefferson wrote to Captain Merryweather Lewis (*The Works of Thomas Jefferson, IX, 430*), "Last night also we received the treaty from Paris ceding Louisiana according to the bounds to which France had a right." The *National Intelligencer* of July 18 contained a quite complete summary of the provisions of the three agreements, which was very likely given out by the Department of State and which certainly could not have been written except from the text of the documents; and a letter of Jefferson to William Dunbar of July 17, 1803 (*The Works of Thomas Jefferson, X, 19*), reads in part as follows:

Before you receive this, you will have heard, through the channel of the public papers, of the cession of Louisiana by France to the United States. The terms as stated in the *National Intelligencer*, are accurate. That the treaty may be ratified in time, I have found it necessary to convene Congress on the 17th of October; and it is very important for the happiness of the country that they should possess all the information which can be obtained respecting it, that they make the best arrangement practicable for its good government. It is the most necessary, because, they will be obliged to ask from the People an amendment of the Constitution, authorizing their receiving the province into the Union, and providing for its government; and the limitations of power which shall be given by that amendment, will be unalterable but by the same authority.

NOTE REGARDING ARTICLE 1

The treaty of San Ildefonso of October 1, 1800, was in French; the text in that language is in the memoir of Luis de Onis (*Memoria sobre las negociaciones entre España y los Estados- Unidos de America*, Madrid, 1820, Appendix, 1-3); an English translation of that treaty is in the English version of the memoir of De Onis (Washington, 1821, 151-52) and is printed also in Malloy, I, 506-7. A revised translation is printed below. The vital article is of course Article 3, the original French of which is quoted in the French text of Article 1 of this treaty; the quotation in the corresponding English of Article 1 is of necessity a translation from the French. The exact meaning of the language was long debated in diplomatic correspondence because of its bearing on the limits of the province of Louisiana, and it has been much discussed by writers ever since. At least three different English words, for example, have been used to translate the French "rétrocéder"; in this treaty the word used is "cede"; in the translation first above mentioned it is "recede"; and in the translation here printed, as in Madison's long letter to Livingston of March 31, 1804 (*American State Papers, Foreign Relations, II, 575-78*), where the language is elaborately discussed, it is more correctly "retrocede."

[Translation]

Preliminary and Secret Treaty between the French Republic and His Catholic Majesty the King of Spain, Concerning the Aggrandizement of His Royal Highness the Infant Duke of Parma in Italy and the Retrocession of Louisiana.

His Catholic Majesty having always manifested an earnest desire to procure for His Royal Highness the Duke of Parma an aggrandizement which would place his domains on a footing more consonant with his dignity; and the French Republic on its part having long since made known to His Majesty the King of Spain its desire to be again placed in possession of the colony of Louisiana; and the two Governments having exchanged their views on these two subjects of common interest, and circumstances permitting them to assume obligations in this regard which, so far as depends on them, will assure mutual satisfaction, they have authorized for this purpose the following: the French Republic, the Citizen Alexandre Bérthier, General in Chief; and His Catholic Majesty, Don Mariano Luis de Urquijo, Knight of the Order of Charles III, and of that of St. John of Jerusalem, his Counselor of State, his Ambassador Extraordinary and Plenipotentiary appointed near the Batavian Republic, and his First Secretary of State *ad interim*, who, having exchanged their powers, have agreed upon the following articles, subject to ratification.

ARTICLE 1

The French Republic undertakes to procure for His Royal Highness the Infant Duke of Parma an aggrandizement of territory which shall increase the population of his domains to one million inhabitants, with the title of King and with all the rights which attach to the royal dignity; and the French Republic undertakes to obtain in this regard the assent of His Majesty the Emperor and King and that of the other interested states, so that His Highness the Infant Duke of Parma may be put into possession of the said territories without opposition upon the conclusion of the peace to be made between the French Republic and His Imperial Majesty.

ARTICLE 2

The aggrandizement to be given to His Royal Highness the Duke of Parma may consist of Tuscany, in case the present negotiations of the French Government with His Imperial Majesty shall permit that Government to dispose thereof; or it may consist of the three Roman legations or of any other continental provinces of Italy which form a rounded state.

ARTICLE 3

His Catholic Majesty promises and undertakes on his part to retrocede to the French Republic, six months after the full and entire execution of the above conditions and provisions regarding His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain and that it had when France possessed it, and such as it ought to be according to the treaties subsequently concluded between Spain and other states.

ARTICLE 4

His Catholic Majesty will give the necessary orders for the occupation of Louisiana by France as soon as the territories which are to form the aggrandizement of the Duke of Parma shall be placed in the hands of His Royal Highness. The French Republic may, according to its convenience, postpone the taking of possession; when that is to be executed, the states directly or indirectly interested will agree upon such further conditions as their common interests and the interest of the respective inhabitants require.

ARTICLE 5

His Catholic Majesty undertakes to deliver to the French Republic in Spanish ports in Europe, one month after the execution of the provision with regard to the Duke of Parma, six ships of war in good condition built for seventy-four guns, armed and equipped and ready to receive French crews and supplies.

ARTICLE 6

As the provisions of the present treaty have no prejudicial object and leave intact the rights of all, it is not to be supposed that they will give offense to any power. However, if the contrary shall happen and if the two states, because of the execution thereof, shall be attacked or threatened, the two powers agree to make common cause not only to repel the aggression but also to take conciliatory measures proper for the maintenance of peace with all their neighbors.

ARTICLE 7

The obligations contained in the present treaty derogate in no respect from those which are expressed in the Treaty of Alliance signed at San Ildefonso on the 2d Fructidor, year 4 (August 19, 1796); on the contrary they unite anew the interests of the two powers and assure the guaranties stipulated in the Treaty of Alliance for all cases in which they should be applied.

ARTICLE 8

The ratifications of these preliminary articles shall be effected and exchanged within the period of one month, or sooner if possible, counting from the day of the signature of the present treaty.

In faith whereof we, the undersigned Ministers Plenipotentiary of the French Republic and of His Catholic Majesty, in virtue of our respective powers, have signed these preliminary articles and have affixed thereto our seals.

Done at San Ildefonso the 9th Vendémiaire, 9th year of the French Republic (October 1, 1800).

[Seal] ALEXANDRE BÉRTHIER
[Seal] MARIANO LUIS DE URQUIJO

The text of the Treaty of Alliance of August 19 (not 18), 1796, mentioned in Article 7 of the above treaty of October 1, 1800, is, in French, in Von Martens, *Recueil de traités*, 2d ed., VI, 255-59.

In Article 1 of the Treaty of Cession there is also reference to treaties made by Spain affecting Louisiana, after the previous possession of Louisiana by France; that ownership by France had terminated in 1762; Louisiana was ceded to Spain by France on November 3, 1762, and the cession was accepted ten days later, on November 13. The treaties "subsequently entered into between Spain and other States" were the following: first, the Preliminary Treaty of Peace between Spain and Great Britain, signed at Versailles January 20, 1783, the French text of which is in Von Martens, *Recueil de traités*, 2d ed., III, 510-14; second, the Definitive Treaty of Peace between Spain and Great Britain, signed at Versailles September 3, 1783, the French text of which is in the same volume of Von Martens, pages 541-51; and third, the treaty of October 27, 1795, between the United States and Spain (Document 18); English translations of the Preliminary and Definitive Treaties of Peace of 1783 between Spain and Great Britain are in *The Parliamentary History of England*, XXIII, 351-54 and 1173-82; the provisions of those treaties of special relevancy here are Article 3 of the Preliminary Treaty and Article 5 of the Definitive Treaty, which read in translation as follows:

ART. 3. His Britannic Majesty shall cede to his Catholic Majesty East Florida, and his Catholic Majesty shall keep West Florida, provided that the term of 18 months, to be computed from the time of the ratification of the definitive Treaty, shall be granted to the subjects of his Britannic Majesty, who are settled as well in the island of Minorca as in the two Floridas, to sell their estates, recover their debts, and to transport their effects, as well as their persons, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts and criminal prosecutions. And his Britannic Majesty shall have power to cause all the effects that may belong to him in East Florida, whether artillery or others, to be carried away.

ART. 5. His Britannic Majesty likewise cedes and guarantees, in full right, to his Catholic Majesty, East Florida, as also West Florida. His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of the King of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or 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: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that his Britannic Majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery or other matters.

NOTE REGARDING ARTICLE 6

See, in the notes to the treaty with Spain of 1795 (Document 18), the note regarding Article 5 thereof.

NOTE REGARDING ARTICLE 7

As the exchange of ratifications took place at Washington, the period of twelve years began to run three months after the date of formal notice to the French Government that the exchange had taken place. A letter of Madison to the French Minister of Foreign Affairs of November 4, 1803, seems to have been intended as such notice (American State Papers, Foreign Relations, VI, 179); and while the date of the delivery of the communication is not stated, it appears to have been just prior to January 1, 1804 (*ibid.*, 182). The act of February 24, 1804, section 8 (2 Statutes at Large, 253), provided that the term of twelve years should "commence three months after the exchange of the ratifications of the above-mentioned treaty shall have been notified, at Paris, to the French government," but did not otherwise fix the date.

29

FRANCE : APRIL 30, 1803

Convention for the Payment of Sixty Million Francs (\$11,250,000) by the United States, signed at Paris April 30, 1803. Original in English and French; but "originally agreed on and written in the French language" (see the attestation clause).

Submitted to the Senate October 17, 1803. Resolution of advice and consent October 20, 1803. Ratified by the United States October 21, 1803. Ratified by France May 22, 1803. Ratifications exchanged at Washington October 21, 1803. Proclaimed October 21, 1803.

A Convention Between the United States of America and the French Republic

The President of the United States of America and the First Consul of the French Republic in the name of the French people, in consequence of the treaty of cession of Louisiana¹ which has been Signed this day; wishing to regulate definitively every thing which has relation to the Said cession have authorized to this effect the Plenipotentiaries that is to say: the President of the United States has, by and with the advice and consent of the Senate of the Said States nominated for their Plenipotentiaries, Robert R. Livingston Minister Plenipotentiary of the United States and James Monroe Minister Plenipotentiary and Envoy-Extraordinary of the Said United States near the Government of

Convention Entre les Etats unis d'Amérique Et la République Française.

Le Président des Etats unis d'Amérique, et Le Premier Consul de la République française au nom du peuple français, par suite du traité de cession de la Louisiane,¹ qui a été signé aujourd'hui, et voulant régler définitivement tout ce qui est relatif à cette affaire, ont autorisé, à cet effet, des Plénipotentiaires; Savoir:

Le Président des Etats unis, par et avec l'avis et le consentement du Sénat des dits Etats, a nommé pour leurs plénipotentiaires Robert R. Livingston, Ministre plénipotentiaire des Etats unis et James Monroe, Ministre plénipotentiaire et envoyé extraordinaire des dits Etats-unis, auprès du Gouvernement de la République française,

¹ Document 28.

the French Republic; and the First Consul of the French Republic in the name of the French People has named as Plenipotentiary of the Said Republic the citizen Francis Barbé-Marbois: who in virtue of their full powers, which have been exchanged this day have agreed to the following articles:—

ART: 1

The Government of the United States engages to pay to the French Government in the manner Specified in the following article the Sum of Sixty millions of francs independant of the Sum which Shall be fixed by another Convention for the payment of the debts due by France to citizens of the United States.

ART: 2

For the payment of the Sum of Sixty millions of francs mentioned in the preceding article the United States Shall create a Stock of eleven millions, two hundred and fifty thousand Dollars bearing an interest of Six per cent: per annum payable half yearly in London Amsterdam or Paris amounting by the half year to three hundred and thirty Seven thousand five hundred Dollars according to the proportions which Shall be determined by the french Government to be paid at either place: The principal of

et Le Premier Consul de la République française, au nom du peuple français, a nommé pour plénipotentiaire de la dite République le Citoyen français Barbé-Marbois, Ministre du Trésor public; lesquels en vertu de leurs pleins pouvoirs, dont l'échange a été fait aujourd'hui, Sont convenus des Articles suivans:

ART. 1^{er}

Le Gouvernement des Etats unis s'engage à payer au Gouvernement français, de la maniere qui sera spécifiée en l'article suivant, la somme de Soixante millions de francs, indépendamment de ce qui sera fixé par une autre convention, pour le paiement des sommes dues par la France à des Citoyens des Etats unis.

ART. 2.

Le paiement des Soixante millions de francs mentionnés au précédent article sera effectué par les Etats unis au moyen de la création d'un fonds de onze millions deux cent cinquante mille piastres, portant un intérêt de Six pour cent par an, payable tous les Six mois à Londres, Amsterdam ou Paris, à raison de Trois cent trente sept mille cinq cents piastres pour Six mois, dans les trois places ci dessus dites, suivant la proportion qui sera déterminée par le Gouvernement français. Le principal

the Said Stock to be reimbursed at the treasury of the United States in annual payments of not less than three millions of Dollars each; of which the first payment Shall commence fifteen years after the date of the exchange of ratifications—this Stock Shall be transferred to the Government of France or to Such person or persons as Shall be authorized to receive it in three months at most after the exchange of the ratifications of this treaty and after Louisiana Shall be taken possession of in the name of the Government of the United States.¹

It is further agreed that if the french Government Should be desirous of disposing of the Said Stock to receive the capital in Europe at Shorter terms that its measures for that purpose Shall be taken So as to favour in the greatest degree possible the credit of the United States and to raise to the highest price the Said Stock

ART 3

It is agreed that the Dollar of the United States Specified in the present Convention Shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight Sous tournois

du dit fonds sera remboursé par le Trésor des Etats unis par des paiemens annuels qui ne pourront être d'une Somme moindre que Trois millions de piastres, par année, et dont le premier commencera quinze ans après la date de l'échange des ratifications. Ce fonds sera transféré au Gouvernement de france, ou à telle personne, ou tel nombre de personnes qu'il chargera de le recevoir, dans les trois mois au plus tard, après l'échange des ratifications de ce traité, et après la prise de possession de la Louisiane, au nom du Gouvernement des Etats unis.¹

Il est en outre convenu que si le Gouvernement français était dans l'intention de disposer du dit fonds, et d'en toucher le capital en Europe à des époques rapprochées, les opérations qui auront lieu seront conduites de la manière la plus favorable au crédit des Etats unis, et la plus propre à maintenir le prix avantageux du fonds qui doit être créé.

ART. 3.

La piastre ayant cours de monnaie dans les Etats unis, il est convenu que dans les comptes auxquels la présente convention donnera lieu, le rapport de la dite monnaie avec la france sera invariablement fixé à 5. francs $\frac{3333}{10000}$ ou 5. 8^s Tournois.

¹ See the note regarding Article 2.

The present Convention Shall be ratified in good and due form, and the ratifications Shall be exchanged in the Space of Six months to date from this day or Sooner if possible.

In faith of which the respective Plenipotentiaries have Signed the above articles both in the french and english languages, declaring nevertheless that the present treaty has been originally agreed on and written in the french language; to which they have hereunto affixed their Seals.

Done at Paris the tenth of Floreal eleventh year of the french Republic (30th April 1803.)

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

BARBÉ MARBOIS

[Seal]

La présente convention sera ratifiée en bonne et due forme et les ratifications seront échangées dans l'espace de Six mois, à dater de ce jour, ou plutôt s'il est possible.

En foi de quoi les Plénipotentiaires respectifs ont signé les articles ci dessus, tant en langue française qu'en langue Anglaise, déclarant néanmoins que le présent traité a été originairement rédigé et arrêté en langue française et ils y ont apposé leur Sceau.

Fait à Paris le dixième jour de floréal de l'an Onze de la République française et 30. Avril 1803./.

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

BARBÉ MARBOIS

[Seal]

NOTES

This convention and the convention following (Document 30) formed, with the Treaty for the Cession of Louisiana of the same date (Document 28), one transaction. The three agreements were concurrently signed, and by the express terms of Article 9 of the Treaty of Cession their ratifications were interdependent and were concurrently exchanged.

As to the source text of this convention, its ratification, the exchange of ratifications, and the proclamation, see generally the notes to Document 28.

NOTE REGARDING ARTICLE 2

Louisiana was delivered by France to the United States on December 20, 1803 (see American State Papers, Foreign Relations, II, 582).

30

FRANCE : APRIL 30, 1803

Convention for the Payment of Sums Due by France to Citizens of the United States, signed at Paris April 30, 1803. Original in English and French; but "originally agreed on and written in the French language" (see the attestation clause).

Submitted to the Senate October 17, 1803. Resolution of advice and consent October 20, 1803. Ratified by the United States October 21, 1803. Ratified by France May 22, 1803. Ratifications exchanged at Washington October 21, 1803. Proclaimed October 21, 1803.

Convention Between the United States of America and the French Republic

The President of the United States of America and the First Consul of the French Republic in the name of the French People having by a Treaty¹ of this date terminated all difficulties relative to Louisiana, and established on a Solid foundation the friendship which unites the two nations and being desirous in compliance with the Second and fifth Articles of the Convention² of the 8th Vendémiaire ninth year of the French Republic (30th September 1800) to Secure the payment of the Sums due by France to the citizens of the United States have respectively nominated as Plenipotentiaries that is to Say The President of the United States of America by and with the advice and consent of their Senate Robert R. Liv-

Convention entre les Etats-unis d'Amérique Et la République françoise.

Le Président des Etats unis d'Amérique et le Premier Consul de la République françoise, au nom du Peuple françois, ayant par un traité¹ en date de ce jour, fait cesser toutes les difficultés relatives à la Louisiane et affirmi sur des fondemens solides l'amitié qui unit les deux Nations et voulant en exécution des articles 2. et 5. de la Convention² du 8. Vendemiaire an 9./30. Septembre 1800. assurer le paiement des Sommes dûes par la france aux Citoyens des Etats-unis, ont respectivement nommé pour plenipotentiaries; Savoir, Le Président des Etats unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, Robert R. Livingston, Ministre plénipotentiaire des Etats unis, et James

¹ Document 28.

² Document 25.

ington Minister Plenipotentiary and James Monroe Minister Plenipotentiary and Envoy Extraordinary of the Said States near the Government of the French Republic: and the First Consul in the name of the French People the Citizen Francis Barbé Marbois Minister of the public treasury; who after having exchanged their full powers have agreed to the following articles.

ART 1

The debts due by France to citizens of the United States contracted before the 8th of Vendémiaire ninth year of the French Republic (30th September 1800) Shall be paid according to the following regulations with interest at Six per Cent; to commence from the period when the accounts and vouchers were presented to the French Government.

ART: 2

The debts provided for by the preceding Article are those whose result is comprised in the conjectural note¹ annexed to the present Convention and which with the interest cannot exceed the Sum of twenty millions of Francs. The claims comprised in the Said note which fall within the exceptions of the following articles Shall not be admitted to the benefit of this provision.

Monroé, Ministre plénipotentiaire et Envoyé extraordinaire des dits Etats auprès du Gouvernement de la République françoise, et Le Premier Consul au nom du Peuple françois le Citoyen françois Barbé Marbois Ministre du Trésor public: Lesquels après avoir fait l'échange de leurs pleins pouvoirs, sont convenus des articles suivans.

ART^e 1^{er}

Les dettes dûes par la france aux Citoyens des Etats unis, contractées avant le 8. Vendémiaire an 9./30. 7^{brs} 1800. seront payées conformément aux dispositions suivantes avec les intérêts à six pour cent à compter de l'époque où la réclamation et les pièces à l'appui ont été remises au Gouvernement françois.

ART^e 2.

Les dettes qui font l'objet du présent article, sont celles dont le résultat par apperçu est compris dans la note¹ annexée à la présente convention et qui ne pourront, y compris les intérêts, excéder la Somme de Vingt millions.

Les réclamations, comprises dans ladite note, ne pourront néanmoins être admises qu'autant qu'elles ne seront pas frappées des exceptions mentionnées aux articles suivans.

¹ See the note regarding Article 2.

ART: 3.

The principal and interests of the Said debts Shall be discharged by the United States, by orders drawn by their Minister Plenipotentiary on their treasury, these orders Shall be payable Sixty days after the exchange of ratifications of the Treaty and the Conventions Signed this day, and after possession Shall be given of Louisiana by the Commissaries of France to those of the United States.¹

ART: 4

It is expressly agreed that the preceding articles Shall comprehend no debts but Such as are due to citizens of the United States who have been and are yet creditors of France for Supplies for embargoes and prizes made at Sea in which the appeal has been properly lodged within the time mentioned in the Said Convention² 8th Vendémiaire ninth year, (30th Sept^r 1800)

ART: 5

The preceding Articles Shall apply only, First: to captures of which the council of prizes Shall have ordered restitution it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French republic and only in case of insufficiency of the cap-

ART^o 3.

Le principal et les intérêts seront acquittés par les Etats unis d'Amérique, sur des mandats tirés par le Ministre plénipotentiaire desdits Etats unis sur leur Trésor. Ces mandats seront payables Soixante jours après l'échange des ratifications du traité et des Conventions Signées ce jour, et après la remise qui doit être faite de la Louisiane par le Commissaire françois aux Commissaires des Etats unis.¹

ART^o 4.

Il est expressement convenu que les articles précédents ne comprennent que les créances des Citoyens des Etats unis ou de leur représentans, qui ont été et sont encore créanciers de la france pour fournitures, embargos et prises faites à la mer, et réclamées dans le tems nécessaire et suivant les formes prescrits par la Convention² du 8 Vendémiaire an 9./30. 7^{bre} 1800.

ART^o 5.

Les articles précédens ne seront appliqués, 1^o qu'aux captures dont le Conseil des prises auroit ordonné la restitution ou main levée, bien entendu que le réclamant ne pourra avoir recours sur les Etats unis pour son payement que de la même manière qu'il l'auroit eu envers le Gouvernement françois et seulement en

¹ See the note regarding Article 3.

² Document 25.

tors—2^d the debts mentioned in the Said fifth Article of the Convention contracted before the 8th Vendémiaire an 9/30th September 1800 the payment of which has been heretofore claimed of the actual Government of France and for which the creditors have a right to the protection of the United States—the Said 5th Article does not comprehend prizes whose condemnation has been or Shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present Convention to reclamations of American citizens who Shall have established houses of Commerce in France, England or other countries than the United States in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where Such houses exist.—All agreements and bargains concerning merchandize which Shall not be the property of American citizens are equally excepted from the benefit of the Said Convention Saving however to Such persons their claims in like manner as if this Treaty had not been made.

ART: 6

And that the different questions which may arise under the preceding article may be fairly in-

cas d'insuffisance de la part des Capteurs. 2^o qu'aux dettes mentionnées dans ce même article 5. de la convention, contractées avant le 8. Vendémiaire an 9./30. Septembre 1800. dont le paiement a été ci-devant réclamé auprès du Gouvernement actuel de France, et pour lesquelles le créancier a droit à la protection des Etats unis. † Ledit article 5. ne comprend point les prises dont la condamnation a été ou viendrait à être confirmée; L'intention expresse des parties contractantes est pareillement de ne point étendre le bénéfice de la présente convention aux réclamations des Citoyens Américains, qui auroient établi des Maisons de Commerce en France, en Angleterre ou dans des pays autres que les Etats unis en société avec des Etrangers, et qui, par cette raison, et la nature de leur commerce, doivent être regardés comme domiciliés dans les Lieux où existent lesdites Maisons, Sont pareillement exceptés tous accords et pactes concernant des marchandises qui ne servent pas la propriété des Citoyens Américains.

Il n'est d'ailleurs rien préjugé sur le fonds des réclamations ainsi exceptées.

ART^o 6.

Afin que les différentes questions auxquelles l'article précédent pourra donner lieu, puissent être con-

investigated the Ministers Plenipotentiary of the United States Shall name three persons who Shall act from the present and provisionally and who shall have full power to examine without removing the documents, all the accounts of the different claims already liquidated by the Bureaus established for this purpose by the French Republic and to ascertain whether they belong to the classes designated by the present Convention and the principles established in it or if they are not in one of its exceptions and on their Certificate declaring that the debt is due to an American Citizen or his representative and that it existed before the 8th Vendémiaire 9th year/30 September 1800 the debtor shall be entitled to an order on the Treasury of the United States in the manner prescribed by the 3^d Article.

ART: 7

The Same agents Shall likewise have power without removing the documents to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present Convention

venablement examinées, les Ministres plénipotentiaires des Etats unis nommeront trois personnes qui dès à présent et provisoirement auront tout pouvoir d'examiner sans déplacement de pièces tous les Comptes des différentes créances déjà liquidées par les bureaux établis à cet effet par la République françoise et de reconnoître si elles appartiennent aux classes désignées dans la présente convention et aux principes qui y sont établis, ou si elles ne sont pas dans l'une des exceptions, et sur leur certificat portant que la créance est due à un Citoyen Américain ou à son représentant et qu'elle existoit avant le 8. Vendémiaire an 9./30. 7^{bre} 1800. le créancier aura droit à un mandat sur le Trésor des Etats unis, expédié conformément à l'art: 3.

ART^o 7.

Les mêmes Agents pourront également et dès à présent, prendre connoissance, sans déplacer, des pièces relatives aux réclamations dont le travail et la vérification sont préparés, et délivrer leurs certificats sur celles qui réuniront les caractères nécessaires pour l'admission et qui ne seront pas comprises dans les exceptions exprimées par la présente convention.

ART 8

The Same agents Shall likewise examine the claims which are not prepared for liquidation and certify in writing those which in their Judgement ought to be admitted to liquidation

ART: 9.

In proportion as the debts mentioned in these articles Shall be admitted they Shall be discharged with interest at Six per Cent: by the Treasury of the United States

ART 10

And that no debt which shall not have the qualifications above mentioned and that no unjust or exorbitant demand may be admitted, the Commercial agent of the United-States at Paris or Such other agent as the Minister Plenipotentiary of the United States Shall think proper to nominate shall assist at the operations of the Bureaus and cooperate in the examinations of the claims; and if this agent Shall be of opinion that any debt is not completely proved or if he shall judge that it is not comprised in the principles of the fifth article above mentioned, and if notwithstanding his opinion the Bureaus established by the french Government should think that it ought to be liquidated he shall transmit his observations to the board estab-

ART^e 8.

À l'égard des autres réclamations dont les travaux n'ont pas encore été préparés, les mêmes Agents en prendront aussi successivement connoissance et déclareront par écrit celles qui leur paroîtront susceptibles d'être admises en liquidation.

ART^e 9.

À mesure que les créances mentionnées dans lesd. articles auront été admises, elles seront acquittées avec les intérêts à 6. p $\%$. par le Trésor des Etats unis.

ART^e 10.

Et afin qu'aucune dette qui n'aura pas les caractères ci-dessus mentionnés et qu'aucunes demandes injustes, ou exorbitantes ne puissent être admises, L'Agent Commercial des Etats unis à Paris ou tel autre Agent que le Ministre plénipotentiaire des Etatsunis jugera à propos de nommer, pourra assister aux opérations des dits bureaux et concourir à l'examen de ces créances, et si cet Agent n'est pas d'avis que la dette est complètement prouvée, ou s'il juge qu'elle n'est pas comprise dans les dispositions du 5^e article ci-dessus mentionné et que nonobstant son avis les bureaux établis par le Gouvernement françois estiment que la Liquidation doit avoir lieu, il transmettra ses observations au bureau établi de la part des

lished by the United States who without removing documents shall make a complete examination of the debt and vouchers which Support it, and report the result to the Minister of the United States.—The Minister of the United States Shall transmit his observations in all Such cases to the Minister of the treasury of the French Republic on whose report the French Government Shall decide definitively in every case.

The rejection of any claim Shall have no other effect than to exempt the United States from the payment of it the French Government reserving to itself, the right to decide definitively on Such claim So far as it concerns itself.

ART 11

Every necessary decision Shall be made in the course of a year to commence from the exchange of ratifications and no reclamation Shall be admitted afterwards.

ART: 12

In case of claims for debts contracted by the Government of France with citizens of the United States Since the 8th Vendémiaire 9th year/30 September 1800 not being comprised in this Convention may be pursued and the payment demanded in the Same manner as if it had not been made.

Etats unis qui fera sans déplacer l'examen complet de la créance et des pièces au soutien et fera son rapport au Ministre des Etats unis.

Ce Ministre transmettra ses observations à celui du Trésor de la République française et sur son rapport le Gouvernement français prononcera définitivement.

Le rejet qui pourra avoir lieu n'ayant d'autre effet que de constater que le paiement demandé ne doit pas être fait par les Etats unis, Le Gouvernement français se réserve de statuer définitivement sur la réclamation en ce qui pourra le concerner.

ART^e 11.

Toutes les décisions nécessaires seront rendues dans le cours d'une année à dater de l'échange des ratifications, et aucune réclamation ne sera admise ultérieurement.

ART^e 12.

Dans le cas où il y auroit des réclamations des Citoyens des Etats unis à la charge du Gouvernement français pour des dettes contractées après le 1^{er} Vendémiaire an 9./30. Septembre 1800. elles pourront être suivies et le paiement pourra être demandé comme n'étant point comprises en cette convention.

ART: 13.

The present convention Shall be ratified in good and due form and the ratifications Shall be exchanged in Six months from the date of the Signature of the Ministers Plenipotentiary or Sooner if possible.

In faith of which the respective Ministers Plenipotentiary have Signed the above Articles both in the french and english languages declaring nevertheless that the present treaty has been originally agreed on and written in the french language to which they have hereunto affixed their Seals.

Done at Paris the tenth of Floreal eleventh year of the French Republic. 30th April 1803.

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

BARBÉ MARBOIS

[Seal]

ART^e 13.

La présente convention sera ratifiée en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois après la date de la signature des Ministres plénipotentiaires, ou plutôt s'il est possible.

En foi de quoi les Plénipotentiaires respectifs ont signé les articles ci dessus, tant en Langue françoise qu'en Langle Angloise, déclarant néanmoins que le présent traité a été originairement rédigé et arrêté en Langue françoise et ils y ont apposé leur Sceau.

Fait à Paris le dixième jour de Floréal de l'an onze de la République françoise et le 30. Avril 1803./.

BARBÉ MARBOIS

[Seal]

ROB^t R LIVINGSTON

[Seal]

JA^s MONROE

[Seal]

NOTES

This convention and the convention preceding (Document 29) formed, with the Treaty for the Cession of Louisiana of the same date (Document 28), one transaction. The three agreements were concurrently signed; and by the express terms of Article 9 of the Treaty of Cession their ratifications were interdependent and were concurrently exchanged.

As to the source text of this convention, its ratification, the exchange of ratifications, and the proclamation, see generally the notes to Document 28.

Each written page of the French text of this convention prior to the page of signature, is initialed by Marbois and Livingston; those initials are not shown in the print here; and such of the dates mentioned in either text in two styles as are written one above the other and bracketed in the original, are here printed with a shilling mark.

To the front page of the original of the English text of this convention has been affixed a small envelope marked "The Seal of the United States." The envelope contains a wafer with an imprint of the Great Seal which was formerly on some document but obviously never on this convention. Just when and why this mistaken effort at restoration was effected does not appear; but it seems probable that the wafer was originally that on the incomplete duplicate of the instrument of ratification on the part of the United States which is in the file and which is mentioned in the notes to Document 28; and it is possible that original texts of the three agreements were at one time included with that ratification.

NOTE REGARDING ARTICLE 2

Mention is made in Article 2 of a "note" annexed to the present convention. The French and English texts differ somewhat in their form of expression. The French may be paraphrased as saying that the debts to be paid are those whose estimated (conjectured) result is comprised in the annexed note. The English says that the debts to be paid are those whose result is comprised in the annexed conjectural note. In the French it is the result of the debts which is uncertain ("par aperçu," or "aperçu" as now spelled); in the English the uncertainty qualifies the note, in a very unusual form of expression: "conjectural note." The next sentence in each text mentions "the claims comprised [French: 'comprises'] in the said note."

There was in fact no note annexed to the convention at the time of its signature. On May 13, 1803, Livingston and Monroe wrote regarding the note as follows (American State Papers, Foreign Relations, II, 560):

The list of the debts due by France to American citizens not being yet prepared, owing to M. Marbois's absence to-day from Paris, and the previous delays of the offices in which the evidences were, cannot be sent by this conveyance. In consequence, we retain the original of the convention to which it should be annexed, and send a copy of it: we shall forward in a day or two the original.

It is clear that there was no such note or annex before the Senate. No note is included in the French instrument of ratification. It is plain that none was included in the United States instrument of ratification. No annex or list of claims was printed in the press of the period or as part of the proclamation in the Folwell edition of the laws cited in the notes to Document 28.

There remains, however, the question as to just what the paper was which was prepared after the signing of the convention and which it was contemplated would be annexed to it in accordance with Article 2. That there was such a paper is certain; and it has always been supposed that the "conjectural note" was a somewhat detailed list of American claims divided into four classes, with the names of the respective claimants and the amounts of their claims and some observations thereon in respect of three of those classes. The history of that document is related below.

It now seems clear, however, that the document which was contemplated as the annex to the convention was a summary or recapitulation of the detailed list—the summary which is here printed, in French, with a translation following:

ETAT SOMMAIRE				
de la dette de la France envers les Etats-Unis d'Amérique				
Creances reconnues par l'ex-commission de la Comptab ^{ie} intermédiaire	3, 459, 778	13 ^e	6 ^d	Les jugemens arbitraux Sur lesquels la liquidation a été faite ont déjà alloué les interets de plusieurs de ces Créances Susceptible d'une réduction considérable
Creances dont les rapports ont été Soumis au Directeur particulier	5, 093, 679	10	2	
Creances à liquider	8, 034, 722	14	4	
Reclamations relatives à l'embargo de 1793	3, 301, 122	8	8	
Total	19, 889, 303	6^e	8^d	

[Translation]

SUMMARY STATEMENT				
of the Debt of France to the United States of America				
	Francs	s.	d.	
Accounts recognized by the former commission of intermediate accounting.	3, 459, 778	13	6	The arbitral decisions on which the liquidation has been based have already allowed interest on certain of these accounts. Susceptible of considerable reduction.
Accounts, the reports of which have been submitted to the particular Director.	5, 093, 679	10	2	
Accounts to be liquidated	8, 034, 722	14	4	
Claims relating to the embargo of 1793.	3, 301, 122	8	8	
Total	19, 889, 303	6	8	

In American State Papers, Foreign Relations, II, 560, is printed a letter of Livingston and Monroe dated at Paris May 16, 1803, addressed to the Secretary of State and reading as follows:

We have the honor to enclose the account which should be annexed to the convention transmitted to you. The Bordeaux embargo is in assignats and two thirds will be deducted. From many of the others, we have reason to think, from a particular account now in our hands, there will be such considerable deductions as will reduce the whole charge to less than twenty millions of livres, including the interest. The Consul has agreed to ratify immediately, and we hope to have the honor of transmitting you the ratified treaty, with an order to deliver the territory, in a few days. Such arrangements will also, we trust, be made relative to the stock as will prevent its coming on the market to any loss, or any part of it from being sold in America.

An original of the foregoing letter, headed "N° 2. Duplicate" and signed by Livingston only, is in D. S., 8 Despatches, France, 130; it is endorsed as received on September 2; at folio 141 is the enclosure to

the letter of May 16; it has this endorsement in the same handwriting as that on the letter: "Summary statement of the American claims referred to in the Convention with France of the 30 April 1803. Rec^d 2 Sept^r 1803."

It is that summary statement which is printed above.

It is to be observed that the above-quoted letter of May 16, 1803, speaks of two documents. First is "the account which should be annexed to the convention." This is the summary statement which was the enclosure. Thereafter reference is made to "a particular account now in our hands." Those words refer to another document not transmitted; they refer to and are quite a good description of the elaborate list which has been usually printed as the conjectural note itself. It may be added that the word "result" (French: "résultat") in the text of Article 2 rather indicates a summary of the claims than an elaborate and detailed list thereof.

The document which Livingston and Monroe called "a particular account" or detailed list of the American claims is now in the treaty file. It, like the summary, is in French only; it is headed "Tableau Général des Réclamations Américaines"; it is printed (with some editing of the names) in various treaty collections, *e. g.*, Haswell, 339-42, Malloy, I, 517-20, 18 Statutes at Large, pt. 2, Public Treaties, 239-42; in 8 Statutes at Large it is omitted for the reason, as stated in the footnote, page 210, that the document was not deposited in the Department of State until May 17, 1832. An English translation is in American State Papers, Foreign Relations, VI, 170-73.

It is to be observed that the recapitulation at the end of that detailed list is in substance the same as the summary statement here printed as the annex to the convention.

The detailed list has at the foot thereof, following the recapitulation, an unsigned certificate, in French, dated May 6, 1803, to the effect that the list conforms to the *dossiers* in the bureaus of the first section of the Fourth Division of the General Liquidation of the Public Debt. An erasure indicates the possibility that this certificate had once a signature.

The history of that detailed list, as it appears from endorsements on it or annexed to it and other sources, is as follows: It was delivered by M. Guilleau, Special Director of the Council of Liquidation, to Robert R. Livingston, then Minister at Paris; it is first mentioned in the letter of Livingston and Monroe of May 16, 1803, above quoted. Livingston endorsed the document and gave it to Fulwar Skipwith, who was then Commercial Agent at Paris and had been appointed American Agent of Claims, and who, incidentally, was one of the claimants himself. Skipwith in turn delivered it to two of the three American Commissioners appointed under Article 6 of the convention, John Mercer and Isaac Cox Barnet, some time prior to July 5, 1803, when the Commissioners first met. The third Commissioner, William McClure, was not then in Paris. The Commissioners spread the text of the document in full on their register; on July 7, 1803, they wrote a letter to Livingston and Monroe desiring "to be informed officially by you whether it [the document] is to be considered as the

one intended to be designated by the Convention." Livingston answered them on the same date saying, "The note delivered you by M^r Skipwith was, (as he informed you) received *directly* from me as the conjectural note referred to in the Treaty."

On May 17, 1832, the document was delivered to the Keeper of the Archives of the Department of State by James H. Causten, who in the course of a long endorsement describes himself as the attorney and legal representative of Skipwith; seemingly the detailed list had remained in the papers of Skipwith from 1803 to 1832; and nearly forty years later it was found in a bundle of papers regarding French spoliation claims, and was placed along with the convention on April 6, 1872.

Sharp differences of opinion arose between Livingston and the American Commissioners (see Moore, *International Arbitrations*, V, 4439-46). In the correspondence which ensued there was frequent reference to the detailed list, which was deemed the conjectural note; and while little light is thrown upon the precise question here discussed, two extracts from the official correspondence of the time will be quoted. The first is from Livingston's letter of February 24, 1804, to the French Minister of Exterior Relations (D. S., Manuscript; American State Papers, Foreign Relations, VI, 186):

While the Negotiations were pending, in order to form some general estimate of the amount and nature of the Debts, the Minister of the Treasury, charged with the negotiation on the part of the First Consul, received from the Board of Comptability an account *aperçu* of the Debts then before them. It was declared at the time by the accounting officer to be inaccurate, and was so understood by the Plenipotentiaries on both sides, and it was even agreed, that this should be indorsed on the Note, but was in the hurry of business neglected, & for that reason has not been annexed to the Convention itself.

The following is extracted from the answering letter of Marbois, French Minister of the Public Treasury, of March 8 (translation, varying somewhat from that printed *ibid.*, 188):

The other difficulty arose from the hypothesis that the excess [from the 20,000,000 francs or \$3,750,000] would pass to the use of the United States. Such a stipulation might influence the American Commissioners to reject without sufficient cause many accounts in order to diminish to that extent the sums to be paid by their Republic. It is to provide in that regard as far as it was possible that we agreed to consider a statement (*état*) produced by the Liquidation as a rough estimate (*aperçu*) of the American account. But at the same time we were very far from considering all the articles included in that statement as liquidated, recognized, and not subject to revision. Mr. Livingston and I were in accord on this point. We thought at the same time that articles not included in that *aperçu* might be paid pursuant to the convention, and it is equally contrary to the spirit of that act and to reason, and to the principles which guided us during the whole negotiation, to suppose that legitimate debts would be rejected for the sole reason that they did not form part of that *aperçu*. The Minister of the United States and I think alike in that regard.

If the letter of Livingston of July 7, 1803, above quoted, stood alone, the conclusion would doubtless follow that the detailed list was intended as the note to be annexed to the convention. However, the earlier official letter of Livingston (and Monroe) of May 16, 1803,

also printed above, must be taken as determinative. With the two papers before them, the American plenipotentiaries stated that the summary was the annex and accordingly that the detailed list was not.

It is to be remembered, moreover, that as a practical matter there is nothing inconsistent in the apparently contradictory statements in the letters of May 16 and July 7, 1803. Of the two papers mentioned by Livingston, one was merely a summary of the other and was indeed taken from it in substance; and the summary was the more appropriate as an annex to the convention; the detailed list, on the other hand, from which the summary was made, was the paper which was needed by the American Commissioners in connection with their work of passing on the respective claims; and for their purpose it might not inappropriately be described as the conjectural note of Article 2, particularly in view of the provisions of Articles 6 and 7 of the convention regarding documents in the bureaus of the Government of France; and the following endorsement on the detailed list, written by Skipwith under date of September 24, 1827, is, at least, not inconsistent with the view expressed here.

The original of this conjectural was furnished by Mr Guilleau, Special Director of the Council of Liquidation, to the American Minister, Mr Livingston, & transmitted & indorsed by him, as above, to the American Board of Commissioners, as containing the American Claims to be first settled and paid under the Louisiana Convention.

NOTE REGARDING ARTICLE 3

Curiously enough, December 20, 1803, was just sixty days after the exchange of ratifications; and December 20, 1803, was the date of the delivery of Louisiana by France to the United States.