

## FRANCE.

## FRANCE, 1778.

[By act of Congress of July 7, 1798, U. S. Statutes at Large, chap. 67, vol. 1, p. 578, it was declared "that the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."]

TREATY OF ALLIANCE BETWEEN THE UNITED STATES OF NORTH AMERICA  
AND HIS MOST CHRISTIAN MAJESTY, CONCLUDED AT PARIS FEBRUARY 6,  
1778; RATIFIED BY CONGRESS MAY 4, 1778.

Feb. 6, 1778.

*Treaty of eventual and defensive alliance.*

The Most Christian King and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhodes Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take in consideration the means of strengthening those engagements, and of rendering 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 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 counsels and efforts against the enterprises of their common enemy, the respective Plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

Contracting parties.

## ARTICLE I.

If war should break out between France and Great Britain during the continuance of the present war between 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 conjunctures, as becomes good and faithful allies.

War with Great Britain to be a common cause.

## ARTICLE II.

The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independance absolute and unlimited, of the said United States, as well in matters of government as of commerce.

Object of the treaty, independance of the United States.

## ARTICLE III.

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.

Both parties to make every effort to attain that end.

## ARTICLE IV.

Concurrence in enterprises.

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.

## ARTICLE V.

Conquests that shall belong to the United States.

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 countries or islands, in case of success, shall be confederated with or dependant upon the said United States.

## ARTICLE VI.

France relinquishes all claim to certain countries, if conquered.

The Most Christian King renounces forever 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.

## ARTICLE VII.

Conquests that shall belong to France.

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.

## ARTICLE VIII.

Neither party to conclude peace, until, &c.

Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

## ARTICLE IX.

No claim of compensation after the war.

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.

## ARTICLE X.

To admit other powers to accede to the alliance.

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.

## ARTICLE XI.

Mutual guarantee.

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, as well in matters of government as commerce; and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the 5th and 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.

## ARTICLE XII.

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.

Guarantee when  
to commence.

## ARTICLE XIII.

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.

Ratifications.

In faith whereof the respective Plenipotentiaries, to wit: On the part of the Most Christian King, Conrad Alexander Gerard, Royal Syndic of the city of Strasbourg, and Secretary of his Majesty's 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, and 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.

Signatures.

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

Date.

C. A. GERARD.	[L. S.]
B. FRANKLIN.	[L. S.]
SILAS DEANE.	[L. S.]
ARTHUR LEE.	[L. S.]

## FRANCE, 1778.

TREATY OF AMITY AND COMMERCE BETWEEN THE THIRTEEN UNITED STATES OF NORTH AMERICA AND HIS MOST CHRISTIAN MAJESTY, CONCLUDED AT PARIS FEBRUARY 6, 1778; RATIFIED BY CONGRESS MAY 4, 1778; CONGRESS INSTRUCTS COMMISSIONERS TO PROCURE ABOLITION OF 11TH AND 12TH ARTICLES, MAY 5, 1778; 11TH AND 12TH ARTICLES SUPPRESSED, SEPTEMBER 1, 1778.

Feb. 6, 1778.

[Annulled by act of Congress, July 7, 1798.]

*Treaty of Amity and Commerce.*

The Most Christian King and the thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, willing to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and 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

Contracting parties.