

due; upon the judgement of my profession, and of the impartial and respectable parts of my country, whether I am to esteem them blessings or misfortunes. I have the honour to be, &c.

J. BURGOYNE.

IN CONGRESS, May 6, 1778.

WHEREAS Congress have received, from their commissioners at the court of France, copies of a treaty of amity and commerce, and of a treaty of alliance, between the crown of France and these united states, duly entered into and executed at Paris on the 6th day of February last, by a minister properly authorized by his most christian majesty on the one part, and the said commissioners on the other part: and whereas the said treaties have been maturely considered and *unanimously* ratified and confirmed by Congress. In which said treaty of amity and commerce are the articles following, *viz.*

ARTICLE VI. 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, 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 attorneys, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing 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, and 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.

ARTICLE VII. In like manner the said united states, and their ships of war, sailing under their authority, shall protect and defend, conformably to the tenor of the 6th article, all the vessels and effects belonging to the subjects of the most christian King, and use all their endeavours to recover, and 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.

ARTICLE XIV. 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 and the species of goods on board her 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.

ARTICLE XV. If, by the exhibiting of the abovesaid certificates, the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and confiscated for a port under the obedience of his enemy, 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, until 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 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 in which she was bound; but in case the contraband merchandize cannot be all received 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.

ARTICLE XVI. 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 manner as if it belonged to the enemy, except such goods and merchandize as were put on board such ship before the declaration of war, or were 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 merchandize be contraband, it shall not be any way lawful to carry them after wards to any port belonging to the enemy; the two contracting parties agreeing, that the term of two months being past 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.

ARTICLE XVII. 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 the commanders of the ships of his most christian majesty and of the said united states, and all their subjects and inhabitants, shall be forbidden 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 persons and goods.

ARTICLE XX. 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.

ARTICLE XXI. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, in 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 and 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 hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE XXV. 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 merchandize laden thereon, from any port, to the places of those who now are or shall hereafter 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 aforesaid, and to trade with the same liberty and security from the places, ports and havens of those who are the enemies of both or either part, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforesaid 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 laden; 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 the actual service of the enemies.

ARTICLE XXVI. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those 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 their fuses, and other things belonging to them, cannon ball, gun-powder, match, pikes, swords, lances, spears, halberds, mortars, petards, granadoes, 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 and silver, as well coined as uncoined, 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