John Jay and the Treaty of Paris

A Tangle of Wars

The Western world is in upheaval. A fledgling nation, far from the centers of world power, is torn by conflict. Its economy is a shambles, its currencies devalued. Its government is new, largely untried, and widely expected to fail. It is utterly dependent upon constant infusions of cash and military support from a distant allied superpower, whose public rhetoric supports the principles the embattled country has declared it represents, but whose actual aim is to bring the new nation into its political orbit. The war-torn country is coveted as a gateway to the vast, substantially untapped natural resources of its region—resources that are seen as important to its ally's economic health and military strength.

The superpower was France, the struggling, embattled nation was the United States, and the time was the early 1780s. The U.S. was a newborn republic of thirteen loosely united states, governed under the Articles of Confederation, a flawed system of government that allowed Congress to make decisions, but granted no one the authority to enforce compliance with those decisions. The United States, with a relatively small population of three and a half million people scattered along the eastern seaboard, was fighting for its independence from Great Britain, the world's leading economic and military power. In order to succeed in this formidable task, America had formed an alliance with France, whose repeated wars against Britain had dominated the eighteenth century.

The most recent of these conflicts, the Seven Years War, concluded in 1763 in a humiliating defeat for the French. Among its consequences were France's loss of all its major territories in the Americas, including Quebec, which went to Britain, and the Louisiana Territory, which it ceded to Spain before formalizing a peace treaty with England. The kings of Spain and France were cousins, members of the Bourbon family, and their two countries were allied through an agreement called the Family Compact. The French preferred that the territory, which adjoined Spanish possessions, go to their ally rather than their enemy.

The importance of having overseas colonies was enormous—they funneled substantial wealth into their parent nations, through the export of raw materials and agricultural products, and by providing a rapidly growing market for European manufactured goods. France's 1763 defeat led it to give up its ambitions to hold large territories in North America, but it was eager to see its old enemy Britain separated from its most valuable American possessions. France also sought to recover lucrative fishing rights off the Canadian coast it had lost in the Seven Years War.

The French signed a Treaty of Amity and Commerce with the United States in 1778, recognizing the independence of the new nation and making it a favored trading partner. Among themselves, the French king and his ministers had little faith in the American government: an experiment in democracy seemed naïve to the leaders of a nation that had been ruled autocratically for more than a thousand years. The French government secretly desired an independent, but weak United States, contained along the coast of North America. France's military support in the American War for Independence became overt after a British ship engaged a French one in battle, and the two superpowers came, once again, to be officially at war.

Spain also had issues with England. It had lost Florida to Britain in the Seven Years War. Much earlier, in 1713, Britain had gained possession of Gibraltar, giving it control of the point of naval access between the Mediterranean Sea and the Atlantic Ocean. For the sake of regaining Gibraltar, Spain signed a treaty with France in 1779, pledging to support France in its war against Britain if France, in return, would fight alongside Spain to help it regain Gibraltar. Spain's ensuing war against Britain indirectly helped the American rebels, but it had no real sympathy for the United States: it still held more territory in the Americas than any other European power, and the last thing it wanted to do was reward overseas colonies for revolting against their king. Spain also desired complete control of navigation on the Mississippi River, the eastern border of the Louisiana Territory, and it considered an independent U.S. a potential threat to that.

The mastermind of France's involvement in the conflicts with England was King Louis XVI's Foreign Minister, the Count of Vergennes. A brilliant tactician, he strategized forcing Britain to fight on many fronts, and contrived to isolate England by organizing the countries of northern Europe into a neutral bloc. Catherine II of Russia, in accordance with Vergennes' plan, declared Russia's neutrality in the wars and formed an Armed Neutrality Agreement with Sweden and Denmark, closing the Baltic Sea to British military vessels. Vergennes also succeeded in convincing the Netherlands to dissolve an old alliance with Britain for the sake of trade advantages. The British were angered and, in 1780, they declared war on the Netherlands, claiming as their justification the discovery of a non-binding, unsigned draft of a treaty between Holland and the U.S. With little in the way of a naval war machine of its own, the Netherlands appealed to France, and the French agreed to fight on behalf of the Dutch in their war.

The wars between Britain and France, Spain, and the Netherlands soon expanded to assume a global character. Colonial lands from the Caribbean Sea to the Indian Ocean were fought over, as the three continental nations attempted to seize territories from Britain while battling to hold onto colonies they already had.

By late 1780, the American Revolution had gone beyond being merely a conflict between the United States and Great Britain over sovereignty and independence. As the result of the alliances, it had become an impetus for a complex series of wars fought for the purpose of weakening Britain and changing the balance of power in Europe.

The Negotiation

Although there was a formal alliance between France and Spain, each nation privately pursued its own agenda, sometimes working at cross-purposes to the interests of its ally. Double-dealing was typical of the European foreign ministries as the wars continued. The French, the Spanish, and the British monitored each other and the Americans warily, made secret agreements and then violated them, tampered with the mail, spread misinformation, and used secret agents to advance their national interests. Complicating the situation further, within each European court were ongoing intrigues. Competing factions within each government fought to gain supremacy for their positions, and to ruin the influence and careers of their political rivals.

While the hidden maneuvering continued, Vergennes' overt strategy against Britain began to succeed. British confidence that it could suppress the American rebellion was shown to be misplaced. Now fighting on many fronts, the British military was stretched thin. The Americans proved to be tougher and more determined fighters than expected, and a continuing infusion of French cash, weaponry, and troops buttressed their efforts. Antiwar sentiment grew in England. From the beginning, many British citizens had opposed the harsh measures that had moved the colonists to seek independence in the first place, and the multiplication of foreign conflicts strengthened popular opposition to the American war. As the four wars dragged on, all the nations came to look ahead to an end to the fighting.

In 1781, Vergennes got the news that the American Continental Congress had appointed John Adams to serve as peace commissioner when the time came to negotiate a treaty with Britain. Vergennes was not happy with the choice. He had dealt with Adams before, and found him to be intelligent and perceptive, but blunt, stubborn, suspicious, and worst of all, utterly unwilling to entrust the interests of the United States with Vergennes. Vergennes wanted an American peace commissioner he could manipulate,

who would give him some control over the terms of the peace. He much preferred Benjamin Franklin, with his smooth manner and seemingly pliable nature. Vergennes then attempted to get Adams' appointment revoked by lobbying Congress via his envoy in Philadelphia. Congress, highly conscious of the fact that France was its indispensible source of outside support, responded in June. Rather than discharge Adams, it diluted his authority to treat alone. Congress appointed Benjamin Franklin, John Jay, Thomas Jefferson, and Henry Laurens to join Adams to form a diplomatic team that would negotiate with Britain when the talks eventually began.

On October 19, 1781, the most dramatic breakthrough of the American Revolution came when General George Washington defeated Lord Cornwallis at Yorktown, bottling up a force of seven thousand redcoats with a combination of Continental soldiers, French soldiers, and a fleet of French warships in the Chesapeake Bay. The momentous victory stunned Europe and embarrassed Britain. English nationalism surged to defend the country's bruised reputation, but most people in the British government reluctantly recognized it was time to take a conciliatory position: the economic, human, and geopolitical costs of the war were becoming too great. With the greatest distaste, fearing that American independence could be the first step in the decline of the British Empire, they decided they had little choice but to negotiate peace with the rebels, hoping to reach an agreement that stopped short of granting them full independence.

Of the appointed American peace commissioners, Benjamin Franklin was in Paris, where he had functioned brilliantly as American minister to the Court of France since 1776. A master public relations worker and one of the most popular celebrities in France, he had developed a cordial and productive working relationship with the Count of Vergennes, negotiating the terms of the Treaty of Amity and Commerce, and getting copious French financial aid for the U.S. The British agreed to hold the peace negotiations in Paris, which was amenable to the elderly Franklin. But as for the other appointees who might join him, Thomas Jefferson was unable to leave America, and could not participate in the talks. Henry Laurens had been captured by the British and was imprisoned in the Tower of London, where he would remain until the end of the year; even after being paroled, he would not get to Paris for the treaty negotiations until late November 1782. John Adams was in the thick of working out an important loan agreement with the Dutch in Amsterdam, and would be unable to come to Paris until after a treaty of commerce with the Netherlands was signed.

That left only one other appointee. John Jay was in Spain, where since early 1780, he had had the frustrating experience of being unrecognized as American minister to the Court. The Spanish, strongly unwilling to endorse a colonial rebellion, did not acknowledge the United States as an independent country, did not grant Jay an audience with the King, and, through members of the foreign ministry, tried unsuccessfully to manipulate him for their own ends—mainly to get U.S. acquiescence for Spain's claim to

an exclusive right to navigate and control the Mississippi River, the principal passage through the North American interior. Jay steadfastly refused to cooperate with them on the issue. Aware of Jay's vexing situation in Spain and needing help in Paris, Franklin wrote him in April 1782, "Render yourself here as soon as possible. You would be of infinite service. Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the meantime mind our own business."

Jay's dedication to America and the principles of freedom was deeply felt. Upon reading the text of his 1781 commission as a peace commissioner, he was exasperated by Congress's instructions. Kept ever-mindful of American dependence on French aid by Louis XVI's representative in Philadelphia, Congress had ordered the peace commissioners to make no move in their negotiations with Britain "without knowledge and concurrence" of the ministers of their "generous ally, the King of France," and to "make the most candid and confidential communications" to the French ministers. Quickly seeing that where France's objectives differed from those of the United States, the Americans would be hamstrung into obeying the French foreign ministry, Jay wrote to protest the directive. While he was committed to holding off on signing a peace treaty with Britain until France was also ready to, in compliance with one of the provisions of the Treaty of Amity and Commerce, he viewed complete obedience to France as unacceptable to "the dignity of my country."

Before Jay's arrival in Paris in 1782, Franklin did some preliminary groundwork. In March, the twelve-year-old prime ministry of Lord North collapsed after a motion of no confidence passed in Parliament. A coalition government of factions that had opposed North and his failed policies toward the American colonies came into office at the end of the month. The Marquess of Rockingham was chosen the new Prime Minister, the Earl of Shelburne became Secretary of State for Home, Colonial, and Irish Affairs, and Charles James Fox became Secretary of State for Foreign Affairs. Whether the United States would be approached in the negotiations as colonies or as an independent nation was going to determine whether Shelburne or Fox would have charge, and the two men regarded each other as rivals. Shelburne wanted an agreement with the Americans that would fall short of total independence for the U.S., giving him the dominant say in the negotiations; this also accorded with the wishes of the King, who was loathe to see his former colonies become fully independent. Fox wanted the United States approached as an independent nation; his objective was a quick peace agreement with the U.S. that would divide it from its ally, France, and allow Britain to concentrate more fully on its wars with France, Spain, and the Netherlands. Shelburne and Fox both dispatched envoys to Paris to meet with Franklin. Shelburne's man arrived first. Shortly before writing Jay, Franklin had his first meeting with Richard Oswald, a retired Scottish merchant who had done extensive business in America and knew the region reasonably well.

Oswald sounded out Franklin on whether the Americans would be willing to forge a peace with Britain separate from that of France. Franklin made plain to Oswald that the U.S. would honor its 1778 commitment, and sign no peace treaty until France was also ready to. The men conversed in generalities, feeling each other out for a few weeks. Fox's representative, Thomas Grenville, arrived after Oswald, and Franklin did the same dance with him, committing to nothing on the American side. Franklin suggested to Oswald that Britain consider ceding Canada to the United States. The British insisted on compensation for Loyalist property seized by the individual states, a political necessity for any elected British official who wanted to remain in office. Both British envoys worked on Franklin continually, trying to split America off from France in an effort to break Vergennes' coalition. Grenville's relationship with Franklin then soured when Franklin was told by Vergennes that Grenville had full powers to negotiate with France only; the matter of independence for the U.S. was beyond Grenville's authority. Franklin subsequently wrote Shelburne to let him know he especially enjoyed working with Oswald, as the two had developed a friendly relationship, and Oswald had shown some sensitivity to American concerns.

John Jay arrived in Paris on June 23rd. He went immediately to Passy, the suburb where Franklin was living. He found Franklin to be of sound mind—"more vigorous than that of any other man of his age I have known"—but requiring the younger Jay's assistance for his stamina and knowledge of law. At age thirty-six, Jay had already been Chief Justice of New York State and President of the Continental Congress, adding crucial leadership and legal experience to his humiliating but invaluable recent education in the ways of European court politics. Jay and Franklin talked over their mission, and Jay had a series of introductory meetings with various national representatives in Paris.

Just over a week after Jay's arrival at Passy, Lord Rockingham died and the Earl of Shelburne was elevated to Prime Minister. Charles James Fox, who had supported unconditional independence for the United States, subsequently resigned. Shelburne consequently gained greater control of the British side of the talks. Soon afterward, Jay became seriously ill in an influenza epidemic in Paris, and was incapacitated for several weeks.

While Jay convalesced, Franklin continued informal talks with Oswald. He proposed articles for the treaty he put in two classifications, necessary and advisable. Franklin's necessary articles were (1) complete independence for the thirteen states, (2) a settlement of the boundaries between the thirteen states and those other lands that would remain Britain's colonial possessions, (3) a return of the boundaries of Canada to what they were before the Quebec Act of 1774 (the Quebec Act had made the Old Northwest, the territory where Michigan, Ohio, Indiana, and Illinois are now, a part of Canada), and (4) freedom for American citizens to fish commercially off the banks of Newfoundland. His advisable articles were (1) compensation to those Americans whose homes were

destroyed by the British or the Indians, (2) an admission by British of their guilt for the war, (3) reciprocal trading privileges in the ports of Britain and Ireland on one hand, and those of the United States on the other, and (4) the secession of Canada to the United States. Franklin communicated these articles to Oswald in conversation only. Subsequently, Oswald sought clarification from Shelburne on whether he was prepared to accept complete independence for the thirteen states. In late July, Shelburne replied that he was, a change from his former position. Shelburne also indicated he was willing to accept Franklin's necessary articles in their essence. The advisable articles were something he felt he could reject, making the agreement a little less unpalatable in England. Franklin reported on his progress to Vergennes. Both men were skeptical of British sincerity.

Richard Oswald, who had since been chosen to represent Shelburne at the formal peace negotiations, had still not received a signed, official document certifying him as British peace commissioner. A draft copy of his commission, produced by the British Cabinet, reached Paris on August 6th. It empowered Oswald to treat, agree, and settle with "any commissioner or commissioners, named or to be named by the said colonies or plantations, or with any body or bodies, corporate or politic, or any assembly or assemblies, or descriptions of men, or person or persons whatsoever, a peace or truce with the said colonies or any of them, or any part or parts thereof." In speaking of "colonies or plantations," Oswald's commission did not name or recognize the United States of America. It also opened the possibility that individual "colonies," "plantations," or "bodies" might conclude a peace with Britain separate from the nation as a whole. The document clearly revealed the British Cabinet's intention to speak to the American rebels as though they were still British subjects, made independence the price of peace, and showed the Cabinet's readiness to divide the union of the thirteen states in any way possible, bringing a swift end to the United States as the nation had defined itself in the Declaration of Independence.

Upon reading the draft of Oswald's commission, Jay was outraged. The U.S. could not enter the peace negotiations as a population of supplicants seeking generosity from their colonial masters—beyond the matter of national honor, it was essential that America not enter the talks from a position of weakness. Equal sovereignty was necessary to negotiate the most favorable terms possible. Jay firmly insisted to Oswald that, as a first step, Britain must recognize the nationhood of the United States. He demanded that U.S. independence be recognized by an act of Parliament or a declaration from King George III, and that all British troops be withdrawn before significant negotiations could begin. Oswald, used to the genial demeanor of Benjamin Franklin, was shaken by Jay's assertive manner and dramatic demands. Days later, Jay met with him again and, now dropping the show of forcefulness, suggested that an appropriate revision of the language of Oswald's commission might be enough to allow them to start—if the redrafted

commission named the former colonies as the United States of America, recognizing the nation as already independent, as it had declared itself in 1776. Oswald, considerably relieved by Jay's less daunting terms, asked Jay to draft the new language himself, which Jay did.

Simultaneously with their discussions with Oswald, Jay and Franklin continued to meet with the French and Spanish foreign ministers. America was allied with France, and France, in turn, was allied with Spain. Beyond that, unknown to the Americans, the French had secretly pledged to Spain that they would sign no peace treaty with Britain until Spain was also ready to, creating another potential delay for ending the American war. Spain, moreover, was critically important to the Americans for setting the borders of the United States, since America sought to extend its western border to the Mississippi River, which adjoined the Spanish territory of Louisiana.

On August 3rd, Jay met with the Spanish Count of Aranda, who had been authorized to negotiate with the American commissioners on national boundaries and Spanish-American trade. Standing over a map, Jay made the American proposal, setting the western border at the Mississippi River. Aranda countered a few days later with a map setting the western border of the U.S. almost five hundred miles east of the Mississippi. Jay and Franklin, greatly displeased with the Spanish counterproposal, met with Vergennes on August 10th. Vergennes spoke guardedly, but his undersecretary, Joseph-Matthias Gérard de Rayneval, expressed freely what was in fact Vergennes' position—French support of the Spanish proposal, which would confine the United States to a comparatively narrow strip of land along the Atlantic coast. On top of this, Vergennes did not support Jay's insistence that Britain recognize the independence of the United States as a precondition to serious negotiation. Jay's years in Spain had convinced him that the Spanish would not support any colonial insurrection for independence. Beyond that, he concluded that France wanted to stall the general recognition of U.S. independence until the signing of the definitive peace treaty, in order to reassure its Spanish ally that the Americans would not stop fighting against England before Spain was ready to.

The August 10th meeting crystallized for Jay the true French position toward the United States. Sympathy with the Americans' rebellion against tyranny and their choice of democratic government were not the reasons for the alliance. The American Revolution had simply provided France with a useful opportunity to beat down an old enemy. Beyond providing support in the war against Britain, the French could not be counted upon to stand by the United States. They only wished to "make their uses of us." Jay's revelation led to an argument between him and Benjamin Franklin. Franklin, who had worked successfully with the French foreign ministry for years, was reluctant to see that the French would stand in the way of American interests when it suited their purpose. According to an oral tradition in the Jay family, Franklin pressed Jay on his mistrust of

Vergennes, asking if he would break their instructions from Congress to obey the French ministers. At this, Jay lost his composure and declared, "If the instructions conflict with America's honor and dignity I would break them—like this!", and angrily hurled his clay pipe into the fireplace, shattering it to bits.

The weeks that followed gave the British an opportunity to widen the rift that had begun to develop between the American and French diplomats. Oswald found both Jay and Franklin using a more moderate tone in their discussions with him. Oswald maintained a friendly bearing, and expressed an understanding of the Americans' positions, which heartened Jay in particular. Then, during the third week in August, Franklin suffered a severe attack of kidney stones, complicated by his gout, and began several weeks of incapacitation. Jay was left the sole active American peace commissioner.

In Britain, Shelburne was finding himself on increasingly shaky ground, as his support in Parliament began slipping and as King George stubbornly resisted the notion of American independence. Shelburne was eager to conclude the war with the U.S. in order to strengthen the military campaign against the other European belligerents, in order to improve England's diplomatic position when peace talks got underway. While the major fighting in America seemed to be past, if talks failed, there was the possibility for the war to heat up again, something Shelburne wanted very much to avoid. He also clearly saw the commercial advantages to Britain for a lively trade with the Americans, if one could be developed after the forging of a peace.

Jay, on his part, never wavered in his demands for an immediate and unconditional British acknowledgment of American independence. That did not come, either in a revised commission for Oswald or in any other form, given the continuing division of opinion among the King, the Prime Minister, the British Cabinet, and Parliament. Complete independence for the American colonies was an extremely bitter pill: the colonies had existed for well over a century, and had been an integral part of Britain's economic success. The second largest city in the Empire was not Birmingham or Glasgow, but Philadelphia. For many Englishmen, losing the thirteen American colonies was equivalent to Britain's losing a limb. So the impasse dragged on, the British government deadlocked on independence while Jay kept insisting upon it before he would engage in serious talks. To Benjamin Vaughan, one of Oswald's associates, he finally asked in frustration, "Why will not your court cut the cord that ties us to France?" Couldn't Britain see that they needed to get on with acknowledging American independence and establishing peaceful relations, so the U.S. would no longer need to rely on their most powerful adversary?

France, in turn, had long wanted to keep the U.S. actively at war to keep additional pressure on Britain as France, Spain, and the Netherlands kept fighting. But on September 9th, Jay was alarmed to learn that Vergennes' undersecretary, Gérard de

Rayneval, had been dispatched to England on a secret mission two days earlier. Jay immediately suspected the worst—that France and England were beginning preliminary talks about settling the war, and this was being hidden from the Americans, who would be likely to suffer in the terms of an early British-French agreement. Jay's fears were well-founded: Rayneval was indeed headed for several days of meetings with the British Prime Minister. Vergennes, in an abrupt about-face, had decided to begin developing an exit strategy for the war. Between France's own war with Britain, and its military support of the U.S., Spain, and the Netherlands, the country was suffering a severe drain on its treasury. What was more, a major Spanish-French offense at Gibraltar was imminent, and whatever the result, it was clear that an end to the Spanish-British war would have to follow it. Finally, Russia showed signs of wanting to seize the Crimea, and a combined force of the French and British navies on the Black Sea would become necessary to check her ambitions. Vergennes, seeing a new geopolitical landscape developing between France, Britain, Spain, the Netherlands, Russia, and the United States, was moving to arrange the new order as much to France's advantage as he could.

With Rayneval already on his way to England, Jay made the boldest move of his career. He decided that someone needed to speak with Shelburne personally to make America's case and counteract any mischief Rayneval might make. He convinced Benjamin Vaughan, a friend and unofficial emissary of Shelburne's, to make the trip. While Vaughan was British, putting him nominally on the opposing side, Jay had come to know and trust him. Yet even more surprising than Jay's choice of an emissary was that he took this step entirely on his own, in secrecy, not only from the French foreign ministry, but even from Benjamin Franklin.

As he later wrote, "It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Dr. Franklin, but on conversing with him about M. Rayneval's journey, he did not concur with me in sentiment respecting the objects of it." Franklin continued to trust Vergennes, and so Jay, in spite of his friendship with and high regard for Franklin, decided he had to go around him. Jay could not take the chance that Franklin might reveal Vaughan's meeting with Shelburne to Vergennes, and potentially tip the scales in an undesirable way.

Gérard de Rayneval soon arrived in England and met with Shelburne. He discussed prospects for peace between the two countries, and argued France's case vis-à-vis the current world situation. Included in his proposals was a complete denial of fishing rights off Newfoundland to the United States, in favor of France, not because of the considerable commercial value of the fishing, but also because fisheries were training grounds for seamen, and France wanted to prevent the U.S. from developing a strong navy. Rayneval further gave Shelburne to understand that the French were disposed to assist England in establishing the boundaries of the new nation, and that Louis XVI would do what he could to "contain the Americans within the bounds of justice and

reason." While Shelburne had seen earlier signs that all was not rosy between the Americans and the French, the meeting could not have made clearer that the alliance was a conflicted one.

Benjamin Vaughan soon had his meeting with the Prime Minister and discussed the American position on the issues, including the boundaries and the fisheries. Most significantly, he presented a draft, written by Jay, of a new commission for Oswald authorizing him "to treat of Peace or Truce with the Commissioners and Persons vested with equal powers by and on the part of the Thirteen United States of America." As he had suggested to Oswald, for Jay, adoption of this language in a commission Britain itself issued would constitute official English recognition of the independence of the United States—a less confrontational means of getting the recognition than demanding a declaration by the king or an act of Parliament. Members of the British Cabinet met the evening of September 18th, after Rayneval's last conference with Shelburne, to discuss the new language. They adopted a modified version of Jay's draft, and in it, agreed to identify the American commissioners as representing the "Thirteen United States of America." They characterized this as, not "a final acknowledgment of independence," but an addressing of the commissioners by "the title they wished to assume."

It was nevertheless a critical breakthrough. Jay's secret mission had resulted in Britain's first official act where it approached the United States in the manner it would use toward an independent country. After the long stalemate, England was finally moving on a course toward its final recognition of U.S. independence.

Vaughan arrived back in Paris on September 27th with Oswald's new commission, and an assertion that there was "every disposition in Lord Shelburne for peace." The success of the mission caused Franklin to forgive Jay quickly for keeping Vaughan's trip a secret from him. As for Shelburne, he knew his role in Oswald's new commission would provoke enormous anger, given the still widespread opposition in Britain to any move toward granting American independence. "I have assumed a great risk," he wrote. "I hope the Publick [*sic*] will be the gainer, else our heads must answer for it, and deservedly." Jay wrote John Adams in Amsterdam to give him the good news, and to express his hope that Adams would join him and Franklin "soon, very soon." Serious negotiation of the terms of the peace treaty could now proceed.

Franklin and Jay discussed how to balance their talks with the British against their dealings with the French. Franklin still held out that they should obey Congress and keep Vergennes informed of their progress for the health of the alliance, to keep much-needed French aid flowing to the U.S. Jay countered that the French could not be trusted, and were obviously acting in secret from America, since they did not know what Rayneval had discussed with the British, but did know of France's contrary positions on the boundaries and the fisheries, and their wish to please Spain. Franklin had to concede

Jay's point, and reluctantly cooperated with him in withholding news of their subsequent progress from the French.

Jay wrote the first draft of the Preliminary Articles of Peace, which would evolve into the terms of the final treaty, singlehandedly. He submitted it to Oswald on October 5th. Jay's articles included the definitive British acknowledgement of U.S. independence, and a removal of all British troops from the nation's soil. They proposed national boundaries, including the Mississippi River on the west and the 31st Parallel on the south. They also proposed a northern boundary that preserved Canada as British territory. Franklin did not object to this; his earlier suggestion that England cede Canada to the U.S. had apparently been mainly a bargaining ploy. Jay's draft also provided for Britain's allowing American fishermen an unrestricted right to take fish from the area around Newfoundland and to dry and salt them to prevent spoilage "at the accustomed places." Jay suggested free navigation of the Mississippi for the U.S. and Britain, with free naval access to all bodies of water belonging to both nations by both nations, excepting the Hudson's Bay and East India Companies, British companies that already had legal monopolies in certain areas. Oswald suggested only a minor revision to Jay's draft, found the rest acceptable, and signed it to give it his endorsement.

With the issue of independence on a favorable track, the one of territory—especially regarding the western lands between the Appalachians and the Mississippi—became the next major topic of negotiation. If these lands could be gained, this vast expanse would double the size of the United States. Benjamin Vaughan advised Shelburne that the territory, cut off by an independent U.S., would be difficult for Britain to settle and impossible to defend in the event of another war. Vaughan further argued that American settlement and development of this territory would benefit England by producing a huge market for imported English manufactured goods, since the United States' economy was mainly agricultural.

Jay's first draft of the Preliminary Articles, along with Oswald's recommendations, arrived in England soon after a massive Spanish and French attack on Gibraltar had failed miserably to take back the great rock. The British Cabinet, newly heartened by England's success in holding onto this prize, were appalled that their representative in Paris was agreeing so freely to the proposals of the Americans. Shelburne stingingly wrote Oswald, "I am open to every good impression you give us of Mr. Jay...but I find it difficult if not impossible to enter into the policy of all that you recommend...and of the principle which you seem to have adopted of going before the Commissioners in every point of favour or confidence."

Further written instructions came to Oswald ahead of the arrival of Henry Strachey, an Undersecretary of State in the Home Office, who was sent to rein in Oswald's liberality and convey to him and to the Americans a set of British counterproposals. Oswald's new

instructions were either to regain the Old Northwest for Britain, or to secure instead the territory between the St. Lawrence River and what is now Maine. For Britain, however, the issues that mattered most were denying the Americans places to dry and salt fish off the coast of Newfoundland, American payment of debts to creditors in Britain, and most importantly, American compensation to British Loyalists living in America for the losses they sustained in the Revolution, which was to include land for their resettlement outside the final borders of the United States.

On October 24th, Oswald shared with Jay the news of the British counterproposals and Strachey's impending arrival. Recognizing that the French would quickly realize the presence of another important British official, the two agreed to answer any probing questions from the French foreign ministry by saying only that Strachey was coming to discuss boundaries.

While Strachey was on his way, the Americans awaited the appearance of an additional player on their side. John Adams arrived from Amsterdam on October 26th. Two days later, he visited Jay, who for several hours apprised him of the state of the negotiations, and shared his opinions on all aspects of what had transpired so far. Adams was astounded to learn that in virtually every respect, Jay's opinions were exactly the same as his own. He later wrote, "Nothing that has happened since the beginning of this conflict has ever struck me more forcibly or affected me more intimately, than that entire coincidence of principles and opinions that I have discovered with Mr. Jay."

By then, Franklin had recovered enough to take part in the negotiations as well. There had been years of friction between him and Adams, however. The puritanical Adams, jealous of Franklin's wide fame and disdainful of his enjoyment of the indulgent lifestyle of the French court, had referred to Franklin as the "old conjurer," and once hotly wrote of him, "That I have no friendship with Franklin I avow. That I am incapable of having any with a man of his moral sentiments I avow. As far as fate shall compel me to sit with him in public affairs, I shall treat him with decency and perfect impartiality." Franklin was more than aware of Adams' feelings about him. More charitably, he said of Adams, "He means well for his country, is always an honest man, often a wise one, but sometimes and in some things, absolutely out of his senses."

After Adams' and Jay's long talk, the three men met, and Adams launched into a lecture at Franklin. He told him he approved of Jay's "whole conduct" in the course he had taken with regard to Britain and the French foreign ministry, stated his profound mistrust of the Count of Vergennes, and backed Jay's positions on independence, the fisheries, and the western lands. Franklin sat and heard him out, considering how Jay's sending Vaughan to the British Prime Minister and his first draft of the Preliminary Articles of Peace were both hidden from the French, in direct violation of their orders from Congress. Franklin continued to be uneasy about antagonizing Vergennes, and to fear the

consequences of losing French support in the war. But he also clearly understood the need to present a united front to the British negotiators. Before conferring with Oswald and Strachey, Franklin surprised his two colleagues by telling them, “I will go with you, and proceed in the conferences without communicating anything to this [French] Court; and the rather, because they communicated nothing to us.” From that moment on, Franklin, Adams, and Jay worked in solidarity.

The next round of talks, to work out the second draft of the Preliminary Articles of Peace, began with Strachey’s arrival on October 29th. Strachey proposed that a “longitudinal line east of the Mississippi” be drawn to limit the addition of western territory to the United States. Jay’s unhesitating response was to say, “If that line is insisted upon, it is needless to talk of peace. We will never yield on that point.” Adams and Franklin immediately concurred.

Days of meetings followed, pitting the three Americans against Oswald and Strachey, with Franklin’s grandson, William Temple Franklin, acting as the Americans’ secretary and Caleb Whitefoord as Oswald’s. A British clerk was also present, bearing a trunk filled with maps and documents to use in the boundary negotiations. Alleyne Fitzherbert, who had been sent to Paris mainly to work on Britain’s preliminaries with France and Spain, was also often present.

British acceptance of American independence and the removal of British troops from the United States were now easily agreed upon as the first article of the treaty. Boundaries were the next hurdle. Strachey’s opening gambit proposing a border east of the Mississippi, an echo of the Count of Aranda’s proposal, fell after some “torrid conversation.” It was obvious that Britain could not do much with the western lands if their access to them was largely cut off by the United States. The British team soon accepted the Mississippi River as the main western boundary and the 31st parallel as the main southern boundary, as Jay had proposed in his first draft of the preliminaries. Other aspects of the borders would become more difficult to work out.

Strachey argued for Britain’s keeping a part of the Old Northwest as a place to resettle the Loyalists, but the Americans would not accept this. As Franklin put it, “We did not choose such neighbors.” Strachey backed off. A northern boundary was eventually agreed upon that ran through the Great Lakes, so that both the U.S. and British Canada would share them; the northern border would continue west along the 49th parallel. The northeastern boundary between Nova Scotia and the U.S., where Maine is now, was not so easily decided. There was considerable British settlement there, and the Crown wanted the territory for its towering fir trees, to supply masts for the British navy. After a great deal of heated discussion, a compromise boundary was agreed upon.

On the matter of the southern border, there was a sticky issue: Florida, whose panhandle extended along the Gulf of Mexico all the way to the Louisiana Territory, had been an English possession since 1763, when the Spanish ceded it to Britain. But Spain had invaded western Florida in 1779, and succeeded in capturing Pensacola in 1781. The war between Spain and Britain was still on. The American and British negotiators dealt with the unsettled condition of things by adding a secret article to the Preliminary Articles that would be known to Britain and the U.S. only. If Britain won the war with Spain, the U.S. would grant it a more northern boundary to western Florida, and hence, more territory, than it would allow to Spain if they should win the war.

On the matter of American prewar debts to creditors in England, Adams convinced Franklin and Jay to accept the idea that Congress should recommend to the individual states that they open their courts to British businessmen, to allow them to press their American debtors for the payment of honest debts. Adams' proposal was accepted by Oswald and Strachey as a means of settling the issue.

Jay, as the only lawyer among the American negotiators, began drafting a new version of the Preliminary Articles on November 4th. The matters of the fisheries and restitution to the Loyalists were still unresolved. Strachey sent an advance letter to London on the progress of the negotiations, and himself left for London, arriving on November 10th. The British Cabinet met November 11th, read the new draft, and was annoyed by the concessions Oswald and Strachey had made so far. Two members angrily demanded Oswald's recall for being too generous. Strachey tried to explain the challenges of their situation in Paris: the Americans, he stated, were "the greatest quiblers [*sic*] I ever knew."

The Cabinet accepted the Mississippi River and the 49th parallel as boundaries. They proposed tightening up the article on the payment of prewar debts, and advocated restricting the areas where American fishermen might dry their fish, now moving toward concession on allowing the Americans to catch fish off the coast of Newfoundland. At the end of meeting on the 14th and 15th, they gave Strachey a revised draft of the preliminaries to bring to Paris for the Americans "to take or leave," and stressed to him that the most significant remaining issue was taking care of the Loyalists, a matter so important it could be abandoned only as a matter of last resort.

While Strachey was away, the negotiators in Paris continued to talk, and the Loyalists were a major topic of conversation. Adams remarked that having them close to the United States created the danger of subsequent wars. The costs of delaying a peace agreement over the issue were roundly discussed.

On November 20th, Rayneval was back in London to discuss peace terms in the Franco-Spanish wars with Shelburne. He suggested to Shelburne on November 23rd that France proposed deferring resolution of U.S. boundaries for the final, definitive treaty, and was

probably surprised to hear Shelburne's rejoinder that "there would be little difficulty about boundarys [*sic*]" so long as the Americans would agree to favorable terms for dealing with the Loyalists. Shelburne also let Rayneval know that Britain wanted to work out an agreement that would settle the fisheries problem with the Americans to the satisfaction of both parties, to the Frenchman's displeasure.

Vaughan, concerned by the news that Rayneval was visiting Britain again, decided he had to make another personal plea to the Prime Minister, and left for London. "If we wait longer, I fear the terms cannot grow better, but worse," he opined, pushing for a timely resolution on the preliminaries. With Shelburne's support flagging in Parliament, impassioned opposition to American independence raging throughout England, and increasing pressure to reach a settlement, Shelburne convinced the British Cabinet to vote in favor of having the upcoming session of Parliament postponed from November 26th until December 5th. If a signed agreement could be reached with the Americans before then, it could be presented to Parliament as a *fait accompli,* avoiding the unwanted eventuality of the preliminaries being torn to pieces in debate. And then, for all practical purposes, one of Britain's four burdensome wars could finally be concluded.

Upon meeting with the newly returned Strachey on November 25th, Jay, Adams, and Franklin quickly realized that Shelburne's back was to the wall. Here was a major opportunity: in order to achieve a signed agreement in the next few days, they could press for British concessions they might not otherwise be able to get. Shelburne had too much to lose by not concluding the preliminaries quickly.

The fisheries and the Loyalists were the two remaining principal issues. On the fisheries, Adams led the discussions on the American side. Well-versed in the activities of the New England fishermen who made their living in the North Atlantic, he explained the entire process of catching the fish seasonally and drying and salting them to keep them from spoiling before going to market. After days of educating and arguing with Oswald and Strachey, he succeeded in getting the British to agree, officially, to allow the Americans to take fish in the waters. But so far, the matter of permitting them to dry their catches on Canadian shores was unsettled.

The Loyalist question was the most difficult. Franklin devised a strategy. To counter British claims for restitution for Loyalists who had lost property in the war, he proposed calling for the British to pay reparations for losses suffered by the Patriots, and read off a list of the American towns that had been burned and destroyed. Franklin then suggested totaling up the losses on both sides, "and that if a balance appears" that favored the Loyalists, "it shall be paid by us to you." But, he told Oswald and Strachey, "if the balance is due to us, it shall be paid by you." Franklin, of course, knew that such a survey would be impossible to achieve in the time left before Parliament reconvened, and to compile a compendium of loss and destruction would inflame passions on both sides,

further hampering the reaching of an agreement. Strachey, briefed by Shelburne that a last-resort concession on Loyalist compensation was now possible, began to weaken.

In the last days of this phase of the talks, the Americans were joined by one last peace commissioner. Henry Laurens, now a free man, arrived in Paris on November 29th. He was anything but jubilant: he had recently gotten the news that his beloved son John had been killed in a minor skirmish against the British in South Carolina. Laurens ended up playing hardly any role in the negotiation, only contributing one point forbidding the carrying off of Negro slaves by British evacuees.

With the clock ticking, the British negotiating team took time to discuss among themselves how to settle the remaining issues. The Americans were insistent on having areas made available for drying fish. Franklin's alarming suggestion of totaling up losses on both sides was certain to result in the Preliminary Articles being "all laid loose before Parliament." If they did not settle quickly with Jay, Adams, and Franklin, Shelburne's move to end the American war now would be lost. The Britons decided to settle. They returned to the bargaining table, and worked out an agreement allowing American fishermen to dry their fish in limited areas on British islands in the North Atlantic—less than the Americans had wished for, but still enough to allow the New England fishing industry to survive and profit.

On the matter of the Loyalists, there was more compromise. Adams, Franklin, and Jay agreed to an obligation to have Congress recommend "earnestly" to the states to provide compensation for property lost by "real British subjects" and people "resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States." They also agreed to allow people "of any other description" to travel throughout the United States for twelve months unimpeded while they attempted to get such restitution. Finally, the article declared that no further confiscations of Loyalist property would be made. No provision for British reparations to the Americans was made, but of course, Franklin and the others never realistically expected it.

And so now, after much hard work, the preliminaries were completed. Overall, the Americans had achieved a stunning success: while they had compromised on smaller matters, they had won every major point they sought. The signing of the Preliminary Articles of Peace was held the next day, November 30th, in Oswald's quarters at the Grand Hôtel Muscovite. Two copies were made and signed by Richard Oswald, followed by Adams, Franklin, and Jay. Franklin, aware that Vergennes could not now prevent the signing, had sent a note to the French foreign minister the previous evening, letting him know what was taking place. To maintain the appearance of fulfilling his official obligations, he soon sent Vergennes a copy of the Articles—one that omitted the secret article about the west Floridian boundary.

Remarkably, in spite of the ubiquitous presence of spies around Paris, Vergennes had been successfully kept in the dark about the progress of the talks. Upon reading his copy of the preliminaries, he was astonished at the generous terms Britain had allowed the rebels. "The English buy peace rather than make it," he remarked contemptuously to an associate. When Franklin and Laurens called on him some days later, he complained that the document "had little in it which could be agreeable to the King [i.e., Louis XVI]."

On December 15th, Franklin informed Vergennes that a British passport had been awarded to an American ship to transmit the Preliminary Articles to America for consideration by Congress, and boldly suggested that this ship might be a convenient way for Vergennes to convey the latest French loan to the United States. Vergennes could not let audacity like that go by.

"I am at a loss, sir, to explain your conduct and that of your colleagues on this occasion," he replied, reminding Franklin of his disobedience to orders.

Franklin responded that nothing had been agreed to in the preliminaries "contrary to the interests of France," and reminded Vergennes that there would be no definitive peace treaty between the U.S. and Britain until France was also ready to sign. He admitted, "We have been guilty of neglecting a point of *bienséance*," in signing the preliminaries without informing the French ministry, but declared that this was not done out of disrespect for Louis XVI, "whom we all love and honor." Franklin expressed his hope that the "great work" of the agreement "would not be ruined by a single indiscretion of ours. And certainly the whole edifice sinks to the ground immediately if you refuse on that account to give us any further assistance…The English, I just now learn, flatter themselves they have already divided us. I hope this little misunderstanding will therefore be kept secret, and that they will find themselves totally mistaken."

Vergennes found himself cornered. He could not afford the spectacle of an open breach with the United States while the French, Spanish, and Dutch wars with England continued. He got the Americans their loan. And that, in turn, demonstrated to Britain that the French-American alliance was still in place, functioning as a check against any attempts by the British to water down the terms of the Preliminary Articles in the final treaty. The American peace commissioners, who had arrived in Europe ignorant of the ways of international diplomacy, had come to master the game.

Even Adams had to concede that "Doctor Franklin has behaved well and nobly" in his work on the preliminaries. As for himself, he had been showered with flattery by his French acquaintances: the diplomatic proceedings in Paris seemed as momentous to them as the military victory at Yorktown. Adams enjoyed the attention, but was too wise not to recognize the most critical factors in achieving the agreement's success: getting out from under the thumb of the French foreign ministry and breaking the British impasse

on independence. Had Franklin, Jay, and Adams negotiated as puppets of the French or as colonial subjects seeking accommodation from their masters, they would never have gotten the terms they did.

Adams never lost sight of who had won them the diplomatic self-determination that had made their triumph possible. At the end of the day the Preliminary Articles were signed, he wrote in his diary, that the French, had they known the full story of the talks, "would very justly give the title with which they have inconsiderately decorated me, that of *Le Washington de la Négotiation*, a very flattering Compliment indeed, to which I have not a right, but sincerely think it belongs to Mr. Jay."

Concluding the Peace

While the preliminaries were now signed, the peace was still many months from being concluded. Lord Shelburne had avoided the hazards of a Parliamentary debate, but the American Congress still had to review the document and vote on whether to accept its terms. Further, the signing of the preliminaries had not obviated the fact that a definitive peace treaty between the U.S. and Britain could not be signed until France was ready to sign its final treaty with England—which meant also waiting for Spain.

The three European wars were ending largely in a draw. It was now clear that Gibraltar could not be taken by force. The Spanish decided that what could not be won militarily might still be gained by diplomatic means. They and the other European belligerents redoubled their efforts to divide territorial prizes around the world through negotiation. Besides Gibraltar, profitable sugar-producing islands in the Caribbean, Canadian islands in the vicinity of the fisheries, Florida, Minorca, India, and Senegal were argued over for months as the foreign ministers made demands and counter-demands, citing former claims of sovereignty and present ones of national honor.

In the end, Britain kept Gibraltar and got the Bahamas, but returned Florida to Spain and allowed it to keep Minorca. France and Britain agreed on a division of sugar islands in the Caribbean, the French getting St. Lucia and Tobago, and the British getting Granada and Dominica. The French won Senegal and the islands of St. Pierre and Miquelon off Newfoundland, restoring some of the access to the fisheries they had lost in 1763. Britain held onto India, which, following the loss of the American colonies, would become the new jewel in the crown of the British Empire; they allowed France a trading area at Pondicherry as part of the agreement, however. The Netherlands, the weakest of the belligerents, got the Ceylonese port of Trincomalee returned to them from Britain, and gave up the Indian port of Negapatam in return. On January 20, 1783, Britain,

France, and Spain signed their preliminary articles of peace; the Netherlands was not yet ready. At the ceremony, Franklin and Adams exchanged a declaration of armistice between Britain and the U.S. with the British negotiators.

Retaining Gibraltar and India did little to improve Shelburne's popularity in England. He was blamed for a national humiliation in giving up the American colonies. The revelation of terms of the American preliminaries unleashed a storm of vituperation in Parliament. American independence, loss of the western territory, the sharing of the fisheries, and the treatment of the Loyalists all outraged Shelburne's opponents. British concessions to other nations, particularly those granted to France, also rankled. Shelburne's ministry labored to justify and explain his actions, arguing in defensive, equivocal terms. On February 21, 1783, after two months of argument, the House of Commons voted to censure the Prime Minister for having mishandled the treaty negotiations. Two days later, Shelburne resigned.

For seven succeeding weeks, Britain was without a Prime Minister. An unlikely partnership arose to assume leadership in Shelburne's stead: Lord North, who as Prime Minister had fallen after tyrannizing the American rebels so heavy-handedly, and Charles James Fox, who had favored granting them their independence. On April 2nd, a new government was formed with Fox as Foreign Secretary, North as Home Secretary, and the Duke of Portland as Prime Minister—Britain's fourth in just over a year. The real power was with Fox and North this time, however.

With a new government came a new British negotiator to the Paris talks. Fox, having gotten into power by assailing Shelburne on his purported ineptitude in the negotiations, recalled Oswald, Strachey, and their associates. He appointed David Hartley in their place to act as his representative in the talks with the Americans. Hartley had been a longtime friend of Franklin's, and while the Americans would have been happy to conclude the peace process with Oswald, they had no objection to Hartley.

While Fox and Hartley could do little about the terms already agreed upon in the signed agreement, there were still trade issues and details of the Canadian border to be worked out. In the time left before the signing of the definitive peace treaty, there was the possibility of sweetening the deal for England—or at least, making it a little less sour. Hartley arrived in Paris in late April and began to speak with Jay, Adams, and Franklin; Henry Laurens had left Paris by this time, returning to England for his health.

Jay, Adams, and Franklin found Hartley to be as congenial as Oswald, and the four men spent the next four months patiently hashing out refinements of the terms of the definitive peace treaty, particularly on trade. In early August, Jay completed a final draft, which Hartley sent to London for consideration.

But the months of extra effort had been for naught. In order to avoid yet another rancorous debate in Parliament over the terms of the peace, the British government sent back a draft that was nearly identical to the Preliminary Articles signed the previous November. Franklin soon reported to Vergennes that although the Americans would have liked to refine the terms of the peace further, they were "inclined to sign this with Mr. Hartley, and so to finish the affair." They had heard back from Congress only comparatively recently on how to proceed.

The previous December, eight months before, Jay, Adams, and Franklin had sent their signed copy of the preliminaries to Philadelphia, along with a letter, jointly written by Adams and Jay, which explained the terms of the agreement and how they had been arrived at. They waited for a reply from America until June. The U.S. Secretary for Foreign Affairs, Robert R. Livingston, who was Jay's friend and former law partner, wrote to say that Congress had "agreed to ratify the provisional articles as such," and said he would address in a subsequent letter a number of questions Congress had about the wording of the document. The next letter did not arrive until early July.

Adams, Franklin, and Jay had predicted that the sections on compensating Loyalists would be unpopular, and that there would be an issue over closing the French out of the most critical phase of the talks. Jay explained in their accompanying letter that the commissioners "had good reason to believe that the articles respecting the boundaries, the refugees and the fisheries did not correspond with the policies of this [French] court" and so "we did not communicate the preliminaries to the Minister until after they were signed." He expressed the hope of the commissioners that Congress would "excuse our having so far deviated from the spirit of our instructions." In private letters to Livingston, Jay had explained in detail the reasons for his mistrust of the French.

Livingston, distant from the diplomatic intrigues of Europe and more than aware of American reliance on French aid, did not accept Jay's and Adams' suspicions of the French as valid. He lit into the peace commissioners for breaking instructions and not keeping the French informed of their progress at every step. "The concealment was, in my opinion, absolutely unnecessary," he fumed. He also attacked the propriety of the secret article about the Floridian boundary, which gave more favorable terms to England than to Spain. How could the U.S. secretly agree to give better terms to our enemy than to the ally of our ally? Jay and Adams were furious at Livingston's response, but Franklin calmed them down. They decided to explain in a letter why they had done what they had. Jay drafted one letter, and then scrapped it for another in a more moderate tone to explain their actions. If they had shared the preliminaries with France before signing, the French would have insisted on the Americans not signing until Spain agreed with the terms, the window of opportunity provided by the Parliamentary recess would have been lost, and as Adams put it, "our country would have lost advantages beyond computation." Jay defended the secret article about Florida on the basis of pragmatism and national

interest, arguing, "Since we have assumed a place in the political system, let us move like a primary and not a secondary planet." As things turned out, Britain's subsequent return of Florida to Spain rendered the need for the article unnecessary, and it did not get into the final treaty.

Secretary Livingston's objections aside, Congress, with its "warmest approbation," had given its approval for final acceptance of the articles as written. And Britain had given its go-ahead to conclude the peace as well.

September 3, 1783 was set as the date for the signing of the definitive peace treaty between Great Britain and its adversaries. While the signing of the European nations was scheduled to be held at Versailles, David Hartley's commission required that he sign with the Americans in Paris. So early that morning, Adams, Franklin, and Jay came to Hartley's rooms at the Hôtel d'York and signed the final treaty there. Then everybody went to Versailles and witnessed the ceremonial signing of the agreements between England, France, and Spain. The Netherlands had signed its preliminaries with Britain only the day before, and did not participate in the signing of the definitive treaty September 3rd.

Not long afterward, a relieved John Jay wrote that "we are now thank God in full possession of peace and independence. If we are not a happy people now it will be our own fault." The edge in Jay's statement reflects the enormous strain he and the others had been under for so long. It is difficult to imagine today the weight of responsibility placed on these three men, having to do such momentous work in substantial isolation from their distant national government. All were conscious that their efforts mattered at least as much as any major military engagement in the War for Independence. The personal sacrifices they made exhausted them and damaged their health. Adams suffered a serious fever in October, and ended up traveling to London in order to recover. The elderly Franklin, suffering from gout and kidney stones, made plans to live out his remaining years in Europe, believing he was too weak to survive the long, difficult voyage back to America. Jay complained he was never free of "a pain in my breast," and in November 1783 made a trip to Bath, England to seek a cure in its mineral waters. He got little relief.

In March 1784, Congress's ratified copy of the Treaty reached Paris. Adams was by now back in Amsterdam, attempting to get another Dutch loan for the U.S. Franklin and Jay wrote to Hartley, now in London, to arrange for the exchange of ratified copies. Hartley arrived back in Paris in late April, and exchanged the signed copies of the ratified treaty on May 12th.

The process was now finally completed. It was time to go home to America, for Jay and Franklin at least. Franklin had recuperated enough to make the trip, and went on to live

his last years in Philadelphia, serving as president of the Executive Council of Pennsylvania and doting on his grandchildren. Adams remained in Europe, honored as U.S. Minister to Great Britain. Jay, for his part, was more than ready to return to the United States, and said, "I shall probably return to America fully persuaded that Europe collectively considered is far less estimable than America."

He left France in May, accompanied by his wife Sarah and their two young daughters. Adams, writing of Jay's homeward journey, observed he "returns to his country like a bee to his hive, with both legs coated with merit and honor." Soon after coming into port in New York City, Jay learned that Congress, in its delight over the unexpectedly generous terms of the treaty, had elected him Secretary for Foreign Affairs, to replace Robert Livingston, who had resigned in the spring. Later that year, Jay accepted the appointment and became America's highest-ranking diplomat.

Franklin, Adams, and Jay, bonded by the arduous responsibility they had shared, remained in touch after their great work had concluded. In a letter to Franklin, Jay recalled, "We worked in strange but successful concert. We had in common, I think, good will and good sense. And between the three of us who did the most work—yourself, myself, and Mr. Adams—we combined to one efficient device serving well the interest of our countryman and, I would hope, mankind. Pride is of course a sign, but methinks I shall nevertheless be proud of my role here for some time to come."

Allan Weinreb
John Jay Homestead State Historic Site

Further Reading

For the most comprehensive history of the peace negotiations, Richard B. Morris's exhaustive *The Peacemakers: The Great Powers & American Independence* (1965) remains the standard reference work. Frank W. Brecher's *Securing American Independence: John Jay and the French Alliance* (2003) is a scholarly analysis most useful to readers well-versed on the subject. High school students will find Edward J. Renehan Jr.'s *The Treaty of Paris: The Precursor to a New Nation* (2007) to be an accessible treatment geared toward them. Susan Mary Alsop's *Yankees at the Court: The First Americans in Paris* (1982) gives a colorful look at the personalities and cultural milieu the peace commissioners found themselves in in Paris in the early 1780s.

In the interest of keeping the complex story of the treaty from becoming overly long, the details of Jay's personal and family life during this period have been omitted from this

essay. To discover more about them, the reader is encouraged to read Walter Stahr's *John Jay, Founding Father* (2005), and Landa M. Freeman, Louise V. North, and Janet M. Wedge's *Selected Letters of John Jay and Sarah Livingston Jay* (2005), both excellent sources of information and enjoyable reads.