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## Beginnings of American Diplomacy

BY JOHN BASSETT MOORE, LL.D.

Professor of International Law and Diplomacy, Columbia University

WE hazard nothing in saying that not only the most important event of the past two hundred years, but one of the most important events of all time, was the advent of the United States of America into the family of nations. Its profound significance was not then unfelt, but in the nature of things its far-reaching effects could not be foreseen. Even now, as we survey the momentous changes of the last few years, we seem to stand only on the threshold of American history, as if its domain were the future rather than the past. But the splendor of the hour, while it illuminates the present, darkens by its light what lies beyond the immediate range of vision. The power which we hold to-day is no sudden and isolated possession. Its foundations were laid in the work of the original builders; and if we would understand the greatness of the present we must recur to what has gone before. Many nations have come and gone, and have left little impress upon the life of humanity. The declaration of American independence, however, bore upon its face the marks of distinction, and presaged the development of a theory and a policy which must be worked out in opposition to the ideas that then dominated the civilized world. Of this theory and policy the key-note was freedom: freedom of the individual, in

order that he might work out his destiny in his own way; freedom in government, in order that the human faculties might have free course; freedom in commerce, in order that the resources of the earth might be developed and rendered fruitful in the increase of human wealth, contentment, and happiness.

When our ancestors embarked on the sea of independence, they were hemmed in by a system of monopolies. It was to the effects of this system that the American revolt against British authority was primarily due; and of the monopolies under which they chafed, the most palpable was the commercial. It is an inevitable result of the vital connection between bodily wants and human happiness that political evils should seem to be more or less speculative so long as they do not prevent the individual from obtaining an abundance of the things that are essential to his physical comfort. This truth the system of commercial monopoly brutally disregarded. From the discovery of America and of the passage to the Eastern seas, colonies were held by the European nations only for purposes of selfish exploitation. Originally handed over to companies which possessed the exclusive right to trade with them, the principle of monopoly, even after the power of the companies was broken, was still retained. Although

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the English colonies were somewhat more favored than those of other nations, yet the British system, like that of the other European powers, was based upon the principle of exclusion. Foreign ships were forbidden to trade with the colonies, and many of the most important commodities could be exported only to the mother country. British merchants likewise enjoyed the exclusive privilege of supplying the colonies with such goods as they needed from Europe. This system was rendered yet more insupportable to the American colonists by reason of the substantial liberty which they had



ROBERT R. LIVINGSTON

Appointed the first Secretary of Foreign Affairs,  
August 10, 1781

been accustomed to exercise in matters of local government. Under what Burke described as a policy of "wise and salutary neglect," they had to a great extent been permitted to follow in such matters their own bent. But this habit of independence, practised by men in whom vigor and enterprise had been developed by life in a new world, far from reconciling them to their lot, served but to accentuate the incompatibility of commercial slavery with political freedom. The time was sure to come when colonies could no longer be treated merely as markets and as prizes of war. The American revolt was the signal of its appearance.

But there was yet another cause.

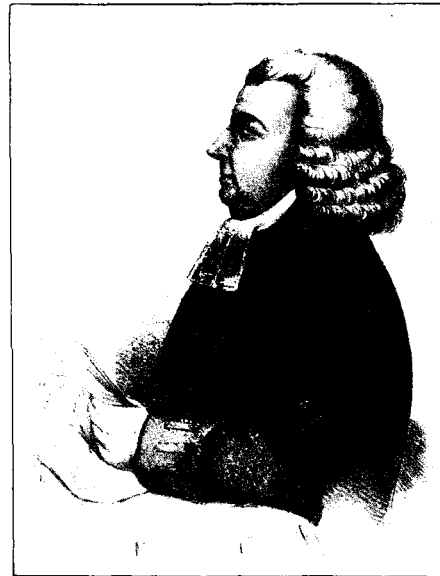
The American revolt was not inspired solely by opposition to the system of commercial monopoly. The system of colonial monopoly may in a sense be said to have been but the emanation of the system of monopoly in government. In 1776 Europe for the most part groaned under the sway of arbitrary governments. To this rule Great Britain formed a striking exception; but even in Great Britain the struggle had barely begun which was to transform that nation into the imperial democracy of the present day. Great mutations were, however, impending in the world's political and moral order. The principles of a new philosophy were at work. With the usual human tendency to ascribe prosperity and adversity alike to the acts of government, the conviction had come to prevail that all the ills from which society suffered were ultimately to be traced to the principle of the divine right of kings, on which existing governments so generally rested. Therefore, in place of the principle of the divine right of kings, there was proclaimed the principle of the natural rights of man; and in America this principle found a congenial and unpreoccupied soil and an opportunity to grow. The theories of philosophers became in America the practice of statesmen. The rights of man became the rights of individual men. Hence our forefathers in their Declaration of Independence at the outset declared "these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness," and that "to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

When the United States declared their independence, they acknowledged one of the necessary conditions of national life by at once endeavoring to enter into diplomatic relations with other powers. Indeed, even before that event measures were taken to insure the proper conduct of foreign correspondence. On November 29, 1775, the Continental Congress appointed a committee of five, which was known as the "committee of secret correspondence," for the purpose of communicating with the friends of the colonies

in other parts of the world.\* On March 3, 1776, this committee instructed Silas Deane, of Connecticut, to proceed to France in the character of a secret agent, and, if possible, to ascertain whether, if the colonies should be forced to form themselves into an independent state, France would probably acknowledge them as such and enter into a treaty of alliance with them for commerce or defence, or both, and if so on what conditions. These instructions were signed by Benjamin Franklin, Benjamin Harrison, John Dickinson, Robert Morris, and John Jay.

Deane's mission was, by no means fruitless; but, after the declaration of independence, measures of a more formal kind were taken. On September 17, 1776, Congress took into consideration the subject of treaties with foreign nations, and adopted a plan of a treaty of commerce to be proposed to the King of France. Comprehensive in scope and far-reaching in its aims, this remarkable state paper stands as a monument to the broad and sagacious views of the men who framed it and gave it their sanction. Many of its provisions have found their way, often in identical terms, into the subsequent treaties of the United States; while in its proposals for the abolition of discriminating duties that favored the native in matters of commerce and navigation, it levelled a blow at the exclusive system then prevailing, and anticipated by forty years the first successful effort to incorporate into a treaty the principle of equality and freedom on which those proposals were based. On the other hand, as if with prophetic instinct, care was taken that the expansion of the United States in the western hemisphere should not be hampered. The new government, in turning to France for aid, did not labor under misconceptions. It little detracts from our obligations to France, for support afforded us in the hour of peril and need, to say that that support was not and could not have been given by the French monarchy out of sympathy with the principles announced by the American revolutionists. No matter what incipient tendencies may have existed

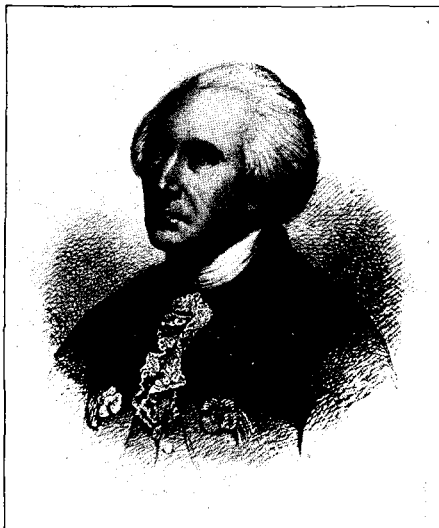
among the French people, there could be on the part of the French government no such sentiment. In one point, however, the French government and the French people were in feeling completely united, and that was the determination if possible to undo the results of the Seven Years' War, as embodied in the peace of Paris of 1763. Under that peace France had given to Great Britain both Canada and the island of Cape Breton, and had practically withdrawn her flag from the western hemisphere. To retrieve these losses was the passionate desire of every patriotic Frenchman; and it was believed by the better informed among our statesmen that France would overlook the act of revolt and embrace the opportunity to deal a blow at her victorious rival. Nevertheless, in the plan of a treaty to be proposed to France it was expressly declared that the Most Christian King should never invade nor attempt to possess himself of any of the countries on the continent of North America, either to the north or to the



SILAS DEANE

Appointed Secret Agent to France by the Continental Congress

\* This committee in 1777 was denominated the "committee for foreign affairs." January 10, 1781, Congress established a "department of foreign affairs," which was to be in charge of a "Secretary of Foreign Affairs." The first incumbent of this office was Robert R. Livingston, who was appointed on August 10, 1781.



ARTHUR LEE

Commissioner to treat with the government of France

south of the United States, nor of any islands lying near that continent, except such as he might take from Great Britain in the West Indies. With this exception, the sole and perpetual possession of the countries and islands belonging to the British crown in North America was reserved to the United States.

When this plan was adopted, Franklin, Deane, and Jefferson were chosen as commissioners to lay it before the French government; but Jefferson declined the post, and Arthur Lee, who was already in Europe, was appointed in his stead. On December 4, 1776, Franklin, weak from the effects of a tedious voyage, touched the coast of Brittany. As soon as his health was sufficiently reestablished, he hastened to Paris, where he met his colleagues; and on December 23 they jointly addressed to the Count Vergennes, then Minister of Foreign Affairs, the first formal diplomatic communication made on behalf of the United States to a foreign power.

The plan of a commercial treaty which the commissioners were instructed to submit proved to be unacceptable to France. Nor was this strange. The French government, while maintaining a show of neutrality, had indeed opened its treasury and its military stores to the Americans, under the guise of commercial dealings

carried on through the dramatist Beaumarchais in the supposititious name of a Spanish firm. Nevertheless, France was still in a state of peace, her commerce unvexed by war, while America was invaded by a hostile army and her independence was yet to be established. She was free at any moment to become reconciled to England, and such a reconciliation was not deemed improbable either in England or in France. Even in America there were not wanting those who expected it. But the course of events swept the two countries rapidly along. The American commissioners, soon after they met in France, were authorized to abandon the purely commercial basis of negotiation and to propose both to France and to Spain a political connection—to the former, in return for her aid, the conquest of the West Indies; and to the latter, the subjugation of Portugal. These new instructions disclosed on the part of the United States a conviction of the necessity of foreign aid of a more direct and extensive kind than could possibly be rendered within the limits of neutrality.

While the French government still hesitated, there came the news of the surrender of Burgoyne at Saratoga. The report reached France early in December, 1777. The signal success of the American arms was the turning-point in the negotiations. The American commissioners at once assumed a bolder front. They formally proposed a treaty of alliance, and insisted on knowing the intentions of the French court. The answer of France came on the 17th of December. On that day the American commissioners were informed, by order of the King, that his Majesty had determined to acknowledge the independence of the United States and to make with them a treaty. The negotiations then rapidly proceeded; and on February 6, 1778, there were signed two treaties, one of commerce and the other of alliance. The commercial treaty was the one first signed, and it thus became the first treaty concluded between the United States and a foreign power. The treaty of alliance was signed immediately afterwards. The table on which these acts were performed is still preserved in the French Foreign Office.

In the treaty of commerce, the original

views of the United States as to the opening of the colonial trade and the abolition of discriminating duties were by no means carried out; but the terms actually obtained embodied the most-favored-nation principle, and were as liberal as could reasonably have been expected.

The treaty of alliance was, however, of a totally different nature, and established between the countries an intimate association in respect of their foreign affairs. No one doubted that the conclusion of the alliance meant war between France and Great Britain. France's recognition of the independence of the United States was on all sides understood to be an act of intervention, which the British government would resent and oppose; for, while the United States had declared their independence, they were still in the midst of the struggle actually to secure it. This fact was acknowledged in the treaty itself. Its "essential and direct end" was avowed to be "to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce"; and it was agreed that if war between France and Great Britain should ensue, the King of France and the United States would make it a common cause and aid each other mutually with their good offices, their counsels, and their forces. The American idea as to territorial expansion was, however, preserved. The United States, in the event of seizing the remaining British possessions in North America or the Bermuda Islands, were to be permitted to bring them into the confederacy or to hold them as dependencies. The King of France renounced them forever, reserving only the right to capture and hold any British islands in or near the Gulf of Mexico.

In addition, the United States guaranteed to France the latter's existing possessions in America, as well as any which she might acquire by the future treaty of peace, while France guaranteed to the United States their independence, as well as any dominions which they might obtain from Great Britain in North America or the Bermuda Islands during the war. In conclusion, the contracting parties agreed to invite or admit other powers who had received injuries from

England to make common cause with them. This stipulation particularly referred to Spain, France's intimate ally.

The French alliance was beyond all comparison the most important diplomatic event of the American Revolution. It secured to the United States at a critical moment the inestimable support of a power which at one time controlled the destinies of Europe and which was still the principal power on the Continent. Only one other treaty was obtained by the United States prior to the peace with Great Britain, and that was the convention of amity and commerce, signed by John Adams, with representatives of their "High Mightinesses the States General of the United Netherlands" at The Hague, on October 8, 1782; but the Netherlands were then also at war with Great Britain, and their recognition, though most timely and helpful, was not of vital import. The failure, however, to make other treaties was not due to any lack of effort. Agents were accredited by the Continental Congress to various courts in Europe. John Jay and William Carmichael were sent to Spain; Ralph Izard was appointed to Tuscany; William Lee was directed to test the disposition of Vienna; Arthur Lee was authorized to sound various courts, including that of Prussia; Francis Dana was bidden to knock at the door of Russia; Henry Laurens was commissioned to the Netherlands.

There exists a popular tendency to overrate the delights and to underrate the hardships of the diplomatic life; but, however much opinions may differ on this point, there can be no doubt that the office of an American diplomatist in the days of the Revolution was no holiday pastime. If he was not already in Europe, his journey to his post was beset with perils graver than those of the elements. In the eyes of British law, American revolutionists were simply "rebels," the reprobation of whose conduct was likely to be proportioned to their prominence and activity; and the seas were scoured by British cruisers, the dreaded embodiment of England's maritime supremacy. Deane went abroad secretly before independence was declared; but when his presence in France became known, the British government asked that

he be seized and delivered up into its custody. Franklin sailed for France on a small vessel of war belonging to Congress, called the *Reprisal*. On the way over she took two prizes, and more than once, on descrying a suspicious sail, cleared for action. Had she been captured by the British, Franklin would have had an opportunity to test the truth of his remark to his associates in Congress, that they must "either hang together or hang separately." John Adams, on his first journey, took passage on an American vessel; on his second he embarked in the French frigate *Sensible*, and landed at Ferrol, in Spain. Jay committed his fate to the American man-of-war *Confederacy*, and, like Adams and Franklin, reached his destination.

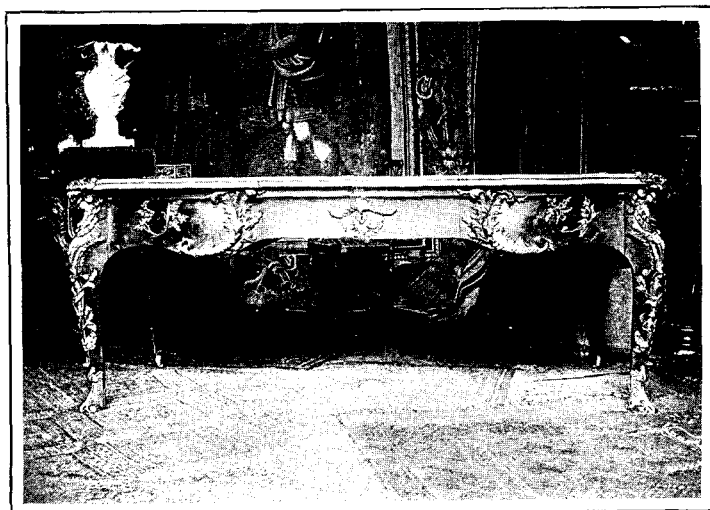
Laurens was elected minister to the Netherlands in October, 1779, but, owing to the vigilance of the British watch of the American coasts, did not sail till August, 1780, when he took passage on a small packet-boat called the *Mercury*, under the convoy of the sloop-of-war *Saratoga*. When off the Banks of Newfoundland, the *Mercury*, then abandoned by her convoy, was chased and seized by the British cruiser *Vestal*. During the pursuit, Laurens's papers were hastily put into a bag, with "a reasonable weight of iron shot," and thrown overboard. The weight, however, was not sufficient to sink them, and they fell into the hands of the captors, by whom they were "hooked up" and delivered to the British government. Laurens himself was imprisoned in the Tower of London.

Never did consequences more momentous flow from a confused effort to supply the want of previous precautions. Among the papers was a tentative plan of a commercial treaty between the United States and the Netherlands, which William Lee had, on September 4, 1778, agreed upon with a representative of Van Berckel, grand pensionary of Amsterdam, who had been authorized by the burgomasters to treat. Obviously this act was in no wise binding upon the States General, and Van Berckel had formally declared that the treaty was not to be concluded till the independence of the United States should be recognized by the English. But trouble had long been brooding between the English and

the Dutch; and the British minister at The Hague was instructed to demand the disavowal of the treaty, and the punishment of Van Berckel and his "accomplices" as "disturbers of the public peace and violators of the law of nations." This demand the Dutch declined to grant; and on December 20, 1780, the British government proclaimed general reprisals.

While the persons of our representatives were safe from seizure upon the Continent, they obtained no substantial recognition outside of France and the Netherlands. In 1777 Arthur Lee was stopped by the Spanish government when on his way to Madrid. Jay and William Carmichael were afterwards allowed to reside there, but only as private individuals. In the early days of the Revolution, Spain had given some pecuniary aid at the solicitation of France. That Congress expected to obtain from her further assistance may be inferred from the circumstance that Jay had scarcely left the United States when bills were drawn upon him to a large amount. But with the exception of an insignificant sum, insufficient to enable him to meet these bills, which Franklin had ultimately to take up, Jay obtained no aid and made no progress. With regard to the Mississippi, Spain demanded an exclusive navigation; but in spite of the fact that Congress, against Jay's warning that such a course would render a future war with Spain unavoidable, eventually offered, in return for an alliance, to concede this demand from the thirty-first degree of north latitude southward, his mission failed. Spain ultimately went to war against Great Britain, but for her own purposes. With a presentiment not unnatural, she to the end regretted the independence of the United States. In a prophetic paper submitted to the Spanish King after peace was reestablished, Count d'Aranda, who was Spanish ambassador at Paris during the American Revolution, said: "The independence of the English colonies has been recognized. It is for me a subject of grief and fear. France has but few possessions in America, but she was bound to consider that Spain, her most intimate ally, had many, and that she now stands exposed to terrible reverses. From the beginning France has





HISTORIC TABLE IN THE FRENCH FOREIGN OFFICE

On this table were signed (in 1778) our treaties of commerce and alliance with France

acted against her true interests in encouraging and supporting this independence, and so I have often declared to the ministers of that nation."

While the attitude of Spain towards the Revolution was affected by considerations of her particular interests, it was to a great extent shared by most of the powers of Europe. William Lee went to Vienna, but was not received there. Dana resided for two years at St. Petersburg as a private individual, and obtained nothing beyond one informal interview with the Minister of Foreign Affairs. Izard was dissuaded by the minister of Tuscany at Paris from attempting to visit that country, and ended his diplomatic career in unhappy discontent at the French capital. But the greatest misfortune of all was that which befell Arthur Lee at the Prussian capital.

Diplomacy in the course of time had lost much of its idle pomp and ceremony, but had gained little in scrupulousness and delicacy. Bribery was still one of its most formidable weapons; but in its treatment of Lee it also employed methods the burglarious grossness of which was mollified only by the histrionic air that pervaded the whole transaction. Great concern was felt by England as to the possible course of Prussia; and when, early in May, 1777, the British govern-

ment received, through one of its ubiquitous agencies, a report that Lee and Carmichael were about to proceed from Paris to Berlin, the Earl of Suffolk directed Hugh Elliot, the British minister at the latter capital, to "give every proper attention to their conduct, and the impression which it may make." His lordship added, with that completeness and accuracy of information which characterized all his communications, that Carmichael had "the best abilities," but that Lee was more immediately in the commission of Congress. At the end of May his lordship wrote that a Mr. Sayre, and not Carmichael, would accompany Lee to Berlin; and Sayre he described as "a man of desperate private fortune, but with the disposition rather than the talents to be mischievous." Sayre was, in fact, one of those adventurers with whom Lee, through bad judgment, permitted himself often to be associated, with unhappy results. Meanwhile, before Elliot could have received his lordship's second letter, all diplomatic Berlin was agog over the arrival of Lee and a "Mr. Stephens,"—such being the patronymic under which Sayre, whose Christian name was Stephen, then travelled, while he assumed the character of a banker. Elliot, however, was not deceived; and, with the ardent desire of

a young man of twenty-four to show his mettle, he set about his task with diligence and enthusiasm. His suspicions were soon inflamed by learning that Lee had had a private interview with Count Schulenburg and was in correspondence with him, and that Herr Zegelin, formerly Prussian minister at Constantinople, who was supposed to be much em-



British Secretary for Home and Colonial Affairs (1782)

ployed by Frederick the Great in confidential negotiations, had come to Berlin "unexpectedly," and taken lodgings not only in the same inn with Lee and Sayre, but even on the same floor. Nor was Elliot reassured when Count Schulenburg, on a certain occasion, turned the conversation to the "report" of the arrival of the "Americans," for the purpose of saying that he knew nothing of it; nor when, still later, he admitted that they had proposed to sell some tobacco at a low price, but declared that the King was "entirely ignorant of their being at all connected with the rebels in Amer-

ica." Elliot, however, had determined to get authentic information at first hand. Through a German servant in his employ he "gained," as he expressed it, the cooperation of the servants at the inn and of the landlord's wife. By this means he learned that Lee kept his papers, including a journal of each day's transactions, in a portfolio which was usually laid away in a bureau. He therefore had false keys made both to the door of the chamber and the bureau; and having learned that on a certain day Lee and Sayre were going into the country, where they usually stayed till eleven at night, he sent his German servant to bring away the papers. When the servant reached the inn some strangers had just arrived, and as he could not enter the door without being seen, he got into Lee's room through a window. He returned with the portfolio about four o'clock. Elliot was at dinner, duly provided with four guests, who "were all enjoined to the most sacred secrecy and set to copying instantly," while he himself went about to pay visits and show himself. He was still thus engaged, when, calling about eight o'clock at the inn on pretence of seeing a fellow countryman, Lord Russborough, he found that Lee and Sayre had just arrived. He then assumed the most difficult part of his task. Knowing that the papers had not been returned, he in company with Russborough joined Lee and Sayre and endeavored to amuse them with conversation, which he did for nearly two hours, without any introduction or any disclosure of names, but merely as one who had happened to meet persons speaking the same language. At ten o'clock, however, Lee retired, saying that he must go to his room and write. Soon afterwards Elliot heard a "violent clamor" in the house of a "robbery" and "loss of papers." He then drove home, and finding most of the papers copied, disguised himself and took them to the mistress of the house, who, being in the plot, told the story that they were left at the door by some one who announced their return through the key-hole and then ran off. Lee appealed to the police, and an inquiry was promptly set on foot. It soon led to the German servant. Elliot, who was not unpre-



pared for this contingency, immediately sent him out of the country, and made to the Prussian government, as well as to his own, an official explanation of the incident. His own government was, however, advised of the actual circumstances by one of his useful guests, who hastened with the copies to England. According to the official version, the affair was altogether an accident, due to Elliot's imprudence in saying in the presence of an overofficial servant that he would give a large sum of money to see Mr. Lee's papers; but as soon as the "unwarrantable action" of the servant was discovered, the papers were returned. This account naturally found little credence, although diplomatic opinion of the merits of the transaction was said to be much "divided." But the knowledge of the fact that the British government had obtained copies of Lee's papers put an end to the attempt privately to negotiate with the Prussian government and frustrated the plans for obtaining supplies from Prussian ports.

In the narration of the course of our Revolutionary diplomacy there yet remains to be mentioned one name—that of Charles William Frederick Dumas, the first authorized representative of the Continental Congress in a foreign land. To the people of the United States his name is to-day practically unknown; but I do not hesitate to affirm that, with the exception of Adams, Franklin, and Jay, there is no one whose services to the American cause in Europe appeal more strongly for grateful remembrance than do his. A native of Switzerland, though he spent most of his life in the Netherlands; a man "of deep learning, versed in the ancient classics, and skilled in several modern languages"; the author and translator of a large number of works, some of which related to America, and the editor of an edition of Vattel, with a preface and copious notes,—he felt at the very beginning the inspiration of the American cause, and from thenceforth dedicated his all to its advancement. When the first report of the Revolution was heard in Europe, he began to employ his pen in its support. Besides publishing and circulating an explanation of its causes, he translated and spread abroad the pro-

ceedings of the Continental Congress. Toward the end of 1775, nearly three months before Deane was sent to France, his aid was solicited by Franklin, in the name of the committee of secret correspondence, as an agent of the American colonies in the Netherlands. He accepted the commission with the promise of "a hearty goodwill and an untiring zeal," adding, "This promise on my part is, in fact, an oath of allegiance, which I spontaneously take to Congress." Never was oath more faithfully kept. His voluminous reports to Congress, some of which have been published, attest his constant activity. He journeyed from city to city and from state to state in the Low Countries as the apostle of American independence. He lent his aid to Adams as secretary and translator, and later acted as *chargé d'affaires*, exchanging in that capacity for the United States the ratifications of the treaty which Adams had concluded with the Dutch government. And if, when the treaty was made, it represented not merely a perception of material interests, but the sentiment of fraternity commemorated in the medals of the time, the fact was in no small measure due to the untiring devotion of this neglected advocate of the American cause, to whom some memorial should yet be raised in recognition of his zeal, his sacrifices, and his deserts.

We have seen that in diplomacy, in spite of its supposed precautions, chance often plays an important part. So it happened in the case of the negotiations between England and America for peace. In the winter of 1781-82, a friend and neighbor of Franklin's, Madame Brillon, met at Nice a number of the English gentry. Among these was Lord Cholmondeley, who promised while on his return to England to call upon Franklin and drink tea with him at Passy. On March 21, 1782, Franklin received a note from his lordship, who, in the interview that followed, offered to bear a note to Lord Shelburne, who, as he assured Franklin, felt for him a high regard. Franklin accepted the suggestion and wrote a brief letter, in which he expressed a wish that a "general peace" might be brought about, though he betrayed no hope that it would soon take place. But at this

moment the political situation in England was somewhat tumultuous. The American war was becoming more and more unpopular; and on the 20th of March, Lord North resigned. In this emergency George III. sent for Lord Shelburne. Shelburne advised that Lord Rockingham be called to the head of the cabinet, and declared the recognition of American independence to be indispensable. Rockingham was made Prime Minister, and Shelburne became Secretary for Home and Colonial Affairs. The Foreign Office was given to Charles James Fox. Franklin's letter to Shelburne was written without knowledge of the significant change then taking place in the British ministry. Soon afterwards news came of Shelburne's entrance into the cabinet; but Franklin thought no more of his letter till the second week in April, when a neighbor appeared and introduced a Mr. Oswald, who, after some conversation, handed Franklin two letters—one from Shelburne and the other from Henry Laurens. The letter from Shelburne, besides commending Oswald as an honest and capable man, expressed his lordship's desire to retain between himself and Franklin the same simplicity and good faith which had subsisted between them in transactions of less importance.

Although Fox has always been regarded with affection in America as a friend of the colonists, it was fortunate that the negotiations fell into the hands of Shelburne. Associated in his earlier career with men of reactionary tendencies, he afterwards became an eminent representative of the liberal economic school of which Adam Smith was the founder. As often happens, this change in his position gave rise to suspicions as to his sincerity. Lacking the vehemence which characterized Fox, and which gives even to the most flexible conduct the air of passionate sincerity, Shelburne was a man of high intellectual power, who followed the dictates of reason rather than the impulses of feeling. No better evidence could be adduced of the sincerity of his desire to treat on the most liberal basis than his choice of Richard Oswald as a negotiator. Ingenuous and impulsive, in the end the British cabinet was obliged to send an

assistant to withdraw some of his concessions. On the part of the United States authority to negotiate for peace had been given to Adams, Franklin, Jay, and Laurens. Jay arrived in Paris late in June, 1782, and for a time thereafter, owing to the illness of Franklin, the negotiations fell chiefly into his hands. But, on the 6th of July, Franklin presented to Oswald certain propositions, three of which were put forward as necessary, and two as advisable. The former were (1) the acknowledgment of independence, (2) a settlement of the boundaries, and (3) freedom of fishing; the advisable stipulations were (1) free commercial intercourse, and (2) the cession of the province of Canada to the United States, partly in payment of war claims and partly to create a fund for the compensation of loyalists whose property had been seized and confiscated.

With the exclusion of free commercial intercourse, the negotiations continued on these lines till Adams, fresh from his triumphs in the Netherlands, joined his associates, October 26, 1782. To the unconditional compensation of the loyalists, Franklin was unalterably opposed, and whenever it was pressed brought up his proposition for the cession of Canada. Adams was equally insistent upon the right of fishing and of drying and curing fish on the British coasts. There was also a question growing out of the acts of sequestration passed by certain States during the Revolution for the purpose of causing debts due to British creditors to be paid into the public treasuries. The lawfulness of this transaction became a subject of controversy in the peace negotiations, especially in connection with the claims of the loyalists for compensation for their confiscated estates. Franklin and Jay, though they deprecated the policy of confiscating private debts, hesitated on the ground of a want of authority in the existing national government to override the acts of the States. But by one of those dramatic strokes of which he was a master, John Adams, when he arrived on the scene, ended the discussion by suddenly declaring, in the presence of the British plenipotentiaries, that he "had no notion of cheating anybody"; and that, while he was opposed to compen-

sating the loyalists, he would agree to a stipulation to enable the British creditors to sue for the recovery of their debts. Such a stipulation was inserted in the treaty. It is remarkable not only as the embodiment of an enlightened policy, but also as the strongest assertion in the acts of that time of the power and authority of the national government. The final concession of the American claim to the fisheries was also granted upon the demand of Adams, who declared that he would not sign a treaty on any other terms. Before the close of the negotiations, Henry Laurens arrived in Paris; and there, on the 30th of November, he joined his three colleagues in signing with Richard Oswald the provisional articles of peace. It has often been said that of all the treaties Great Britain ever made this was the one by which she gave the most and took the least. It brought, however, upon Shelburne and his associates the censure of the House of Commons and caused the downfall of his ministry.

The articles were signed by the American commissioners without consultation with the French government. In taking this course the commissioners acted in opposition to their instructions. Their action was due to suspicions first entertained by Jay, but in which Adams, who besides was little disposed to defer to Vergennes, participated. Franklin, although he does not appear to have shared the feelings of his colleagues, determined to act with them. The question whether they were justified has given rise to voluminous controversies. Every source of information has been diligently explored in order to ascertain whether the suspicions of Jay were, in fact, well or ill founded. This test does not, however, seem to be necessarily conclusive. In law the excuse for an act often depends not so much upon the actual as upon the apparent reality of the danger. The principal ground of Jay's distrust was a secret mission to England of Rayneval, an attaché of the French Foreign Office and an especial representative of Vergennes. Jay suspected that Rayneval had been sent to London to learn from Shelburne the views of the American commissioners, and to assure him of the support of France if he should reject their claims

to the fisheries and the Mississippi. The full disclosure in recent years of the record of Rayneval's mission has established the entire good faith of the French court in that transaction.

But the conduct of the commissioners aroused the indignation of the French government. "You are about to hold out," wrote Vergennes to Franklin, "a certain hope of peace to America without even informing yourself of the state of negotiations on our part. You are wise and discreet, sir; you perfectly understand what is due to propriety; you have all your life performed your duties. I pray you to consider how you propose to fulfil those which are due to the King. I am not desirous of enlarging these reflections. I recommend them to your own integrity." No paper that Franklin ever wrote displays his marvellous skill to more advantage than his reply to these reproaches. While protesting that nothing had been agreed in the preliminaries contrary to the interests of France, he admitted that the American commissioners had "been guilty of neglecting a point of *bienséance*." But as this was not, he declared, from want of respect to the King, whom they all loved and honored, he hoped that it would be excused, and that "the great work, which has hitherto been so happily conducted, is so nearly brought to perfection, and is so glorious to his reign, will not be ruined by a single indiscretion of ours." And then he adds this adroit suggestion: "*The English, I just now learn, flatter themselves they have already divided us.*" I hope this little misunderstanding will therefore be kept a secret, and that they will find themselves totally mistaken."

When the provisional articles of peace were signed, the American commissioners hoped subsequently to be able to conclude a commercial arrangement. This hope proved to be delusive. On September 3, 1783, the provisional articles were formally converted into a definitive peace. The old system, embodied in the Navigation Act, England even yet was not ready to abandon. Years of strife were to ensue before it was to fall to pieces; and in the course of the conflict the United States was to stand as the exponent and defender of neutral rights and commercial freedom.

# Little Rugby

BY ROY ROLFE GILSON

WHEN you and Peter hunted fox-grapes on a Saturday in fall, or rambled truantly on a warm spring morning, chuckling at the school-bells calling in vain to you across the marshes, it was fine to say,

"Now if there was only a gamekeeper to get into a row with!"

And have Peter reply: "Gee! Do you remember how Velveteens got Tom up a tree?"

It was fine, because it showed that Peter, too, knew all about *Tom Brown's School Days*—all about Slogger Williams the bully, and Tom's fight with him, and Doctor Arnold, and Tom in the last chapter standing alone in the Rugby chapel by the Doctor's grave. Other fellows might have asked,

"What's a gamekeeper?"

And you would have had to think of Tom and Velveteens all by yourself.

One night in winter, keeping watch—hard pressed was Cæsar by the hordes of Gaul,—you left his camp stealthily for the library shelves. There in an old magazine your eyes fell upon the Rugby of your dreams. Pictures—there were pictures of the great gate, of the quadrangle, of the chapel, and the tower door in the Doctor's house with the ivy over it, of the fives-courts, and the cricket-field with its boys and its long-tailed sheep, and Sallie Harrowell's, where they bought hot baked potatoes and a penny-worth of tea. And out of one full, dark page looked Dr. Arnold himself—a face as fine and wise and tender as you had fancied it, so that you turned from it but to turn back again, thinking how Tom had looked upon its living presence in those days before the chapel grave. You read. You read again. You looked, and looked again, forgetting the legions in the Gallic wilds, forgetting the Roman sentry-calls for the cries of cricketers, seeing naught but the guarded wickets on an English green and how the sheep

browsed peacefully under the windows in the vines.

Schoolward next morning Rugby and Cæsar nestled together beneath your arm. You found your little Rugby on a hill—a sallow wooden thing it was, this Our-town High School, solemn-eyed, standing awkwardly in threadbare playgrounds like a poor schoolmaster—impoverished without, doubtless well stocked within. A fine mathematical place it was, to look at, austere and angular—geometry writ large upon its four plain faces—without a shred of vine or arching bough to lure your thoughts from the barren theorems of its architecture.

You ran lightly up the steps. You flung open the great hall door. A flood of sound gushed forth—laughter, boisterous voices, chatter of girls and clatter of feet. Across the threshold familiar faces turned, smiling; familiar voices rose from the tumult. You heard your name. Your shoulders tingled with the buffets of familiar hands. Your face glowed. Your voice rose. You laughed and whacked and welcomed with the rest.

"There's Bill. Hello, Bildad!"

"Hello, old sawhorse!"

"Hello yourself!"

But suddenly that gentle pressure of an arm about you, and Peter's voice—

"Hello, old man!"

You had seen him yesterday—but that was years ago. You flung an arm about his waist.

"Hello, old man! See!" and you showed him the Rugby of Tom Brown.

A gong clanged. Then all about you were hurry and the tramp of feet upon the stairs. You and Peter, your arm guiding him as he scanned each precious page, climbed the staircase and drifted with the laughing current through the doors of the assembly-hall.

"See the cricket-bats on the wall?"

"Yes; and the High Street—and Sallie Harrowell's!"