

## Benjamin Franklin and the Peace Treaty of 1783\*

By JAMES A. WOODBURN

Benjamin Franklin ranks among the greatest of Americans. For America's Hall of Fame any one's list of a hundred names would place Franklin's among the first five, probably among the first three. He was a great humanitarian, a benefactor to his fellow men. The historian Lecky says that he was "one of a very small class of men who can be said to have added something of real value to the art of living. Very few writers have left so many profound and original observations on the causes of success in life, and on the best means of cultivating the intellect and the character. To extract from surrounding circumstances the largest possible amount of comfort and rational enjoyment, was the ideal he placed before himself and others, and he brought to its attainment one of the shrewdest and most inventive of human intellects, one of the calmest and best balanced of human characters."

Think for a moment of what Franklin achieved for the benefit of mankind:

He established the first circulating library in America.

He introduced new methods for fighting fires, and suggested the lightning rod to prevent them. He proposed the first city fire department in America.

He may be said to be the first discoverer or promotor of electrical power. Turgot said that, "He snatched the lightning from the clouds, the sceptre from tyrants." By his demonstration that lightning was an electrical phenomenon he "brought deliverance for mankind from an ancient terror."

He was the first to bring about paved streets in the city, to keep the citizens' feet out of the mud and the dust and dirt out of the public markets.

He taught the people the value of ventilation. The Franklin stove saved fuel, heated the room, and brought about better ventilation in the home. He con-

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tended that influenzas and colds were contagious and were caused by impure air, lack of exercise, or over-eating. The germ theory came a century and a half later.

He showed his fellow citizens how to remedy smoky chimneys.

He was the first to propose a city police department for the detection and suppression of crime.

Printing had already been invented when he came upon the scene, but nobody ever did more than he to illustrate its educational uses. He well exemplified Jefferson's familiar maxim that a free newspaper was more important to the safety of a people than a standing army.

For twenty-five years he published "Poor Richard's Almanac," which he made a vehicle for diffusing through the colonies a vast amount of practical knowledge and homely wisdom. He made an indelible impression upon his countrymen. Perhaps no man in history ever did more to fashion the thought and customs of a people.

He was the first to see the need of paper currency, and plenty of it.

Among the men of his time he was the most potent friend of public education. He may be called the founder of the University of Pennsylvania.

He has been called the first American economist, and the first real literary light of America. His Autobiography became a classic for all time.

He was a versatile genius, an inventor, a scientist, a philosopher and the greatest of American diplomats. He obtained the Treaty of Alliance with France in 1778, and next to Washington, no one did more than he to bring about American independence.

He was one of the makers of the American constitution, and nothing did more than his wisdom, wit, and sound sense to bring about the compromises and the final adoption of that historic document.

So much for Franklin, the man. What did he contribute towards the peace treaty of 1783 that recognized American independence? He was a friend of peace. Keen and caustic as

was his wit, it was not adequate to express his contempt and abhorrence of war as a mode of settling disputes arising among nations. He hoped for peace in his life time. "I long to see peace before I die," he said, "to which I shall with infinite pleasure contribute everything within my power." In his old age he said that he had lived long, but that he had "never seen a good war nor a bad peace." If the British king and his ministry had listened to Franklin's wise counsel there would have been no American war. For the sake of humanity Franklin was now urging haste to put an end to what he called "this abominable war." He was interested in promoting the happiness of mankind rather than in spreading misery and devastation. He talked and acted a good deal like a pacifist.

Hating war as he did, when this war was brought to an end, Franklin was especially interested in obtaining a durable peace. He would, therefore, avoid giving occasion for future wars. It was this motive that prompted his well known suggestion that Britain should cede Canada to America. It was not a claim, but it was a bold proposal, promoted by a noble motive. Parliament had shown its desire for reconciliation. "It is a sweet word," said Franklin. "It means more than peace. Nations make peace when both are weary of war. If one power has made war upon another unjustly and has wantonly done it great injury and refuses reparation, though peace may come, resentment will remain and war will break out again as occasion offers."

The territories of the United States and of Canada would touch each other on long frontiers. Canada in English hands would be a cause of future quarrels. The settlers on a frontier are generally disorderly. Being far removed from the eye and control of their governments they are more bold in committing offenses against their neighbors, furnishing fresh differences and complaints.

Franklin was right in this contention. For nearly forty years Canada was a source of quarrels between the two powers. It was impossible for Franklin to foresee the famous treaty for disarmament—the Rush-Bagot treaty of 1818—by which the 3000 miles of frontier were left without a fort, a warship, a gun, or a soldier. By this new policy of mutual confidence among nations, the two English-speaking powers, so long estranged, now ceased to threaten one another with

arms and have lived in peace and amity together for over a hundred years, without frontier defenses or armaments. Nothing would more have rejoiced Franklin's soul than that. It must have given peace to his sleep and have led him to feel that his peace-loving spirit was marching on.

Franklin held stoutly to the view that Great Britain had been the aggressor in the War of the Revolution. She had treated her American subjects with cruelty. It would now be becoming that she should show concern for the past and a disposition toward reparation. The effect would be greater if the cession of Canada were voluntary. Let England offer to relieve those who had suffered from scalping and burning parties. True, lives could not be restored, but houses could be rebuilt. France had ceded Canada to Britain in 1763 largely with a view of weakening the ties between England and her colonies, and this had been the outcome. Very soon colonial rebellion in America began. Oswald had expressed to Franklin the opinion that the cession of Canada to Britain in 1763 had hastened the outbreak of the rebellion and, therefore, had been injurious to Britain. Now Franklin argued that England's holding Canada would lead to future quarrels with America. Peace would never be secure nor cordiality subsist. The union between the United States and France would be strengthened instead of reunion or restored friendliness between England and America. Therefore England could afford to be generous.

The fur trade was England's chief advantage in owning Canada. The profit would not offset the expense of government. It might be humiliating to Britain to give up Canada on the demand of the United States. Let it be said that America may not demand it. Her rulers may consider the fear of such a neighbor as a means of keeping the States united among themselves and lead them to give more attention to military discipline. Men of military ambition may promote a military power in America from fear of the English control of Canada.

On the mind of the people the effect of the voluntary cession of Canada would be excellent. Let Britain always enjoy free trade there, and let as much vacant land be sold as would be necessary to restore the houses burnt by British troops and their Indians, and to indemnify the Tories for their confiscated estates.

Such were Franklin's observations on Canada. They were submitted to Oswald, committed to paper, and carried by Oswald to Shelburne, now minister for the colonies. Franklin won Oswald to his view, and he stood ready to do what he could to promote it. Oswald was regarded by Franklin as a "plain, sincere man having no desire but that of being useful in doing good." Oswald had long resided in America and was well acquainted with American affairs. Through his wife he had acquired extensive estates here. He was a practical and honest man, of liberal views—an intelligent disciple of Adam Smith. Oswald brought back a favorable report from Shelburne, who thought the matter might be satisfactorily arranged. So Franklin was not looking toward the impossible.

These were but preliminary conversations. Franklin reported them to John Adams, who also, hoped to see Canada and Nova Scotia ceded to America by the British. Franklin well knew that he had no right to treat without his colleagues and he thought he had no right to do so without the knowledge of the French.

Franklin's colleagues in the negotiations, John Adams and John Jay, thought Franklin was too much pro-French, that he was too much influenced by the wishes and policies of the French court. It is true that Franklin never failed to express fully America's obligation to France, for "assistance afforded to us in our distress, and for the generous and noble manner in which it was granted, asking no advantage in return." Franklin had long lived in France. He had learned the language and customs of the country. He liked French manners and he had acquired a French mind in its grace and elasticity. He admired many of the men of France and some of her women. He had the tolerance and complaisance which gave him an *entré* and acceptance in the *salons* and court circles of France. He thought the colonies were more likely to obtain their object by a firm reliance on France than by trusting the generosity of England. He pointed to the Treaty of Alliance (1778) which forbade either party to conclude a separate peace without the consent of the other. He felt that this imposed a moral and legal obligation on his countrymen to follow on in the policy which their interests had required them to adopt.

It is true, too, that Franklin held loyally to the instructions

which Congress had given the peace commissioners, that they should maintain confidential relations with the French ministers, that they were to undertake nothing in the negotiations for peace without French knowledge or concurrence, and that they were to be governed by the advice and opinion of the French ministers. The instructions were clear:

You are to make the most candid and confidential communication upon all subjects to the ministers of our generous ally, the King of France; to undertake nothing in the negotiation for peace or truce without their knowledge or concurrence, and to make them sensible how much we rely upon his Majesty's influence for effectual support in every thing that may be necessary to the present security or future prosperity of the United States of America.

Jay and Adams disagreed with Franklin as to the binding force of these restrictions. "Would you break the instructions of Congress?" Jay was asked. "Yes," he said, "as I would this pipe," which he threw with vigor against the coal grate before him. Jay and Adams were suspicious of France. They thought the instructions of Congress had been obtained by French influence, in harmony with French interests, and, probably, by French corruption. Not for an hour did Franklin waver in patriotic support of his country's interest, but he thought the ends sought could be obtained without offending or breaking with the French ministers. He finally coöperated with Adams and Jay in carrying on some preliminary negotiations with Britain without letting Vergennes in on what they were doing. That the negotiations turned out so well and French friendship was still retained was largely owing to Franklin's diplomatic finesse.

Shelburne asserted that suitable compensation for the Loyalists, or Tories, was always uppermost in the mind of the British ministry. On this he would insist. Franklin was not friendly toward the Tories; he thought nothing should be done for them. Shelburne speaks of his "vindictive hatred" toward them. Franklin recalled the burning of towns and the ravages of British troops on the coasts, events which he thought must render the British name odious in America to the latest generations. The resentment has lasted long; it may not be dead yet. Now "we are asked," said Franklin, "to receive again into our bosoms our bitterest enemies, to restore their properties who have destroyed ours, and this while our

wounds are still bleeding." Thus he referred to the Tories.

Franklin thought it better to drop all mention of these refugees. "If you insist on caring for them," he said, "let us balance accounts and you pay if the balance be in our favor." If the Loyalists were to be compensated it must be done by England, not by America. Congress had no power to repeal such laws of confiscation as had been passed by the several States. That was a state affair. Congress could not even give power to her commissioners to treat on such a matter. Franklin urged that not even England was under any great obligation to these refugees, since it was "their misrepresentations and bad counsels that had drawn England into this miserable war." Any obligation of ours was more than offset by the British ravages along our coasts.

Franklin called attention to the fact that every one of the present British ministers had, while in the ministry, declared the war against us to be unjust. Nothing is clearer than that those who injure others by an unjust war should make reparations. And now some of the British want to bring their boundary down to the Ohio, and make compensations to the Tories by giving them lands there for settlements. Knowing that Americans expected to settle there themselves, Franklin declared, "we do not choose such neighbors."

Shelburne laid much stress not only on the claims of the Loyalists but also on the debts due to British merchants from the colonists before the war began. Lecky calls this "a question of the simplest honesty." The old debts still outstanding when the troubles began were due chiefly to Glasgow merchants. There the Americans had been unwilling or unable to pay. On this issue, also, Franklin was disposed to do very little to satisfy the English demand. He strenuously opposed it. What Lecky calls his "ingenious" plea on this theme is well known. Franklin's recital of "facts" on which he based his plea carries considerable weight:

There existed a free commerce, upon mutual faith, between Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods. . . . England, before the goods are sold in America, sends an armed force, seizes those goods in the stores—some even in the ships that brought them—and carries them off; seizes also and carries off the tobacco, rice, and indigo provided by the planters to make returns, and even the negroes

from whose labor they might hope to raise other produce for that purpose.

Britain now insists that the debts shall, nevertheless, be paid.

Will she, can she justly refuse making compensation for such seizures?

If a draper who had sold a piece of linen to a neighbor on credit should follow him and take the linen from him by force, and then send a bailiff to arrest him for the debt, would any court of law or equity award the payment of the debt without ordering a restitution of the cloth?

This plea seems all right and sound enough for the equity of peace, but the laws of war have little regard for the pleas of equity and justice. The English claim, though not provided for, was recognized. Lecky says that John Adams' "sense of honor was much higher" than that of Franklin and he quotes Adams to the effect that "he had no notion of cheating anybody," and that the questions "of paying debts and compensating Tories were two." Adams would recognize the debts, but compensating the Tories was another question. The debt dispute was finally settled by a general clause in the Treaty that creditors on either side shall meet with no lawful impediment to the recovery of debts. This amounted to no more than that Congress would recommend to the States that they should put no legal impediments in the way of the collection of the debts. It was a futile recommendation until after the adoption of the new Constitution. Then decisions of State courts might be over-ruled by decisions of the Supreme Court of the United States, and they were so over-ruled.

There was some dissension in the British ministry in the process of peace making. Fox was the minister for foreign affairs, Shelburne for the colonies. Each claimed that the negotiations fell within his office. Fox would recognize American independence forthwith and on that basis negotiate the terms of peace. Shelburne would negotiate first, and recognize independence as one of the terms of the treaty and only in exchange for some other consideration.

There were points at which the interests of France, Spain, and America came into conflict. There Shelburne was ready to foment difficulties among the allies, which might lead to a separate peace with each, more favorable to Great Britain. The British policy sought to separate America from France, and, by recognizing American independence, bring back conditions in other things as they were in 1763.



land as against Spain, urging England's retention of West Florida and her rights to the navigation of the Mississippi. Such was the conflict in regard to the western boundary.

We claimed a common right with Englishmen in the New Foundland fisheries. The French minister thought this demand too extensive. We claimed that Britain should not insist upon our re-instating the Tories. The French minister argued that they ought to be re-instated.

Was it natural that those who opposed all our claims should be admitted to our confidence if we could otherwise negotiate to our advantage? Why not take advantage of England's desire to separate us from France if we could do so without actually violating our obligations? "Our withholding from France knowledge of what we agreed to was no violation of our treaty, and she has no room for complaint on that score," said Jay.

As to the instructions of Congress, we had not yet made a separate peace. And as to acting at every step in concurrence with France that demand was founded on a mutual understanding that France would patronize our demands and assist us in obtaining them. France, therefore, by discouraging our claims ceased to be entitled to the degree of confidence respecting them which was specified in the resolution of Congress.

True, we did depart from the line of conduct marked out by Congress. But Congress marked out that line for the sake of America not for the sake of France. The object of the instruction was the supposed interest of America not that of France; and we were directed to ask the advice of the French minister because it was thought advantageous to our country that we should receive it and be governed by it. Only Congress has a right to complain of our departure from the line laid out. Such was Jay's argument.

Jay thought that France would support us only so far as her interest prompted. She was interested in separating us from Great Britain, and it was not to the interest of France that we should become a great and formidable people, and, therefore, she would not help us to become so. She did not want a British-American treaty that would produce cordiality and mutual confidence between the two peoples. Therefore, she sought to plant seeds of jealousy, discontent, and discord in

the treaty such as might keep the eyes of America perpetually fixed on France for security. France, therefore, wished to render Britain strong in America and to leave to us as few resources of wealth and power as possible. Hence France favored, and would continue to favor, the British demands as to boundaries and Tories. Adams and Jay had come to believe that the French ministers desired to keep America in permanent and humiliating dependence and that they were not acting fairly toward America. Some of this was unfounded suspicion, but it was true that France was trying to reconcile many conflicting interests and that she desired America to make a serious sacrifice of her future interest for the sake of other belligerents, especially of Spain.

At any rate, the American argument for a separate treaty is conclusive. It was to the interest of America, as it was her right, to enter into the preliminary treaty without giving France a chance to interfere and thus prevent the good terms which could be and were obtained. Herein lies a most interesting fact in these negotiations, that the parties most seriously opposed to one another were not the English and the Americans, but the Americans and the French.

It fell to Franklin to make apologies to Vergennes and the French ministry for what had been done. Vergennes complained that the American commissioners had signed the preliminary articles of peace without the knowledge of the French ministers. In a confidential dispatch, he directed Lucerne, the French minister in America, to inform members of Congress of the conduct of their commissioners in Paris. "I blame no one," he said, "not even Dr. Franklin. He has yielded too easily to the bias of his colleagues, who do not pretend to recognize the rules of courtesy in regard to us. All their attentions have been taken up by the English whom they have met in Paris. If we may judge of the future from what has passed here under our eyes, we shall be but poorly paid for all that we have done for the United States and for securing to them a national existence."

Franklin was sincerely anxious to retain both for himself and for his country the good opinion of France. He acknowledged that the American commissioners had been guilty of neglecting a point of *bienséance*—that is, of good form. It was only a failure of courtesy, the omission of a diplomatic formal-

ity and Franklin insisted that there had been no essential bad faith in what they had done. Nothing had been agreed to contrary to the interest of France; the articles were merely provisional, and no peace could take place between America and England till peace had also been made between France and England. He expressed the deepest gratitude to the French King and he expressed his hope 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."

Then Franklin boldly asked for more money from the French treasury for American needs. It is interesting to know that he obtained a small loan. Was such clever diplomacy ever excelled?

Franklin was called by some a very "cunning man." Shelburne expressed the opinion of him that he "wanted to do everything by cunning which was at the bottom of his character." Many Englishmen have taken that view of him ever since. He was cunning only in the sense that he knew how to manage a cunning man. When talking to a man of candor there was no man more candid than he. It is certain that he was astute, if that is what is meant by cunning. Justin Winsor says: "Franklin was never anything if not politic. He was certainly never more astute than in yielding to Adams and Jay; and he was never more successfully judicious than in disarming the resentment of Vergennes when that minister discovered how he had been foiled."

In mid-summer of 1782, Franklin gave to Oswald the basis of a peace. He named as necessary terms:

1. Independence, full, complete, and unconditional. All British troops were to be withdrawn from America.
2. Settle the boundaries of the States. He assumed their western boundary would be at the Mississippi.
3. Confine the boundary of Canada, at least to the situation before the Quebec Act.

There was nothing in these essential terms about the Tories, the debts or the fisheries.

Franklin then mentioned as advisable articles:

1. Indemnity to people whose towns and property had been destroyed. He thought \$25,000,000 or \$30,-

000,000 might be necessary. It was a large sum, but it would not be ill-bestowed. It would conciliate the resentment of a multitude of sufferers. Without it they would keep up a spirit of secret revenge and animosity for a long time to come against Great Britain. A voluntary offer of such reparation would diffuse a universal calm and conciliation over the whole country.

2. Some acknowledgement of England's error in distressing the colonies. "A few words of that kind would do more good than people could imagine," he said.

3. The ships and trade of the States to have the same privileges in England and Ireland as British ships and trade.

4. The cession of Canada and Nova Scotia to the States.

As to granting independence by a prior act of Parliament instead of by a clause in the treaty—to that Franklin did not attach much importance. Vergennes was aiming to delay the negotiations and continue the French-American alliance and the war until Gibraltar could be extorted for Spain, and to obtain an express acknowledgement of Spanish claims to the Mississippi and of the French claims to the fisheries. To this end he held over the Americans the threat of refusing further supplies.

When Franklin joined Adams and Jay in acting independently of France, Vergennes was defeated in this policy. Then, too, the larger proposals of Franklin were relinquished. The Americans soon abandoned their demands for the cession of Canada and Nova Scotia and for the compensation for private property destroyed in the course of the war. The terms of the Peace Treaty were quickly arranged, and have now become familiar to American school children:

1. American independence was recognized.
2. The western boundary of the United States was to be at the Mississippi; her northern boundary at the Great Lakes, the St. Lawrence and the line of 45° latitude.
3. Americans were to have equal rights with the British in the fisheries.

4. Congress was to recommend that the States make compensation to the Tories (a mere gesture) and that no impediment should be placed in the way of the collection of British debts.

As to the southern boundary, if Spain should hold Florida at the conclusion of the final treaties, the United States should reach as far south as the 31° of latitude; but if England were able to retain Florida then that province should reach as far north as 32° 28'. The provision relating to the southern boundary was made a secret article of the preliminary agreement with Great Britain.

Franklin assented to the secret article with reluctance. The rest of the articles he was happy to sign. He hailed the dawn of peace, and he felt that a foundation had been laid for future friendship with his mother country and for the future progress of his own. He saw a fair promise that America might soon be both great and happy.

Franklin had seen a good peace concluded. He was now entering upon his 78th year. In all sincerity he repeated the words of the aged Simeon, "Now lettest thou thy servant depart in peace for mine eyes have seen thy salvation." Public life had absorbed fifty of his years. He begged now to retire. For the little time he had left he wished to be his own master. Nearly eight years of busy life and useful public service were still before him. He went to the Convention of 1787 and helped to draw up our constitution and his voice was one of the most influential in leading to its adoption.

In 1785 Thomas Jefferson had been appointed to take Franklin's place in France. When asked if he was to replace Franklin, Jefferson replied: "Sir, no one can replace him; I am only his successor." When Franklin died in 1790 there was no one to replace him, and I think it may be safely said that we have not seen his like since.