

# TREATIES

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A treaty is a legal agreement between two or more nations.

In the United States, the word treaty is reserved for an agreement that is made "by and with the Advice and Consent of the Senate" (Article II, Section 2, Clause 2 of the Constitution).

In the United States, our treaties help form part of what the Constitution calls "the supreme Law of the Land."

In 1778, during the Revolutionary War, the United States signed two treaties with the king of France. These two treaties formalized the alliance between the United States and France.

## **Treaty of Alliance with France, February 6, 1778**

This treaty established a military alliance between the United States and France.

## **Treaty of Amity and Commerce Between the United States and France, February 6, 1778**

This treaty established trading agreements between the United States and France.

# PRIVATEERING

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Is there such a thing as a legal pirate?

Well, kinda.

In the 18th century, you could be given a commission by a government to sail your own privately armed ship under the flag of that government. You could even capture an enemy's merchandise! This was a system of "privateering" and you would have become a privateer.

Once you would capture the merchandise, you would bring it to the King of the country who gave you the letter of marque.

You then would get a share of the profits.

How does that sound?

## **Brainstorm:**

Would you want to be a privateer? Explain.

Who do you think benefits from the system of privateering? Explain.

Who do you think are the biggest losers in the system of privateering? Explain.

Based on two major treaties signed between the United States and France in 1778, the French King could legally issue a letter of marque or privateer commission to any citizen of the United States.

Think about that.

In the United States in the late 18th century, you could be a United States citizen working for the French by legally capturing merchandise from British merchant ships for profit. It's a little like legal stealing and looting.

## **Brainstorm:**

Imagine you are:

- British
- French
- A New York privateer

Do the 1778 treaties benefit you? Explain for each role above.

## **TREATY OF ALLIANCE WITH FRANCE**, February 6, 1778

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This treaty established a military alliance between the United States and France.

### **Document Excerpts**

#### **ART. 1.**

"If War should break out between France and Great Britain, during the continuance of the present War between the United States and England, his Majesty and the said united States, shall make it a common cause, and aid each other mutually with their good Offices, their Counsels, and their forces, according to the exigence of Conjunctures as becomes good & faithful Allies.

#### Questions:

1. Which two countries are at war in 1778 according to this excerpt?
2. Which countries are forming an alliance?
3. How will the countries that are forming an alliance agree to help each other?

#### **ART. 4.**

"The contracting Parties agree that in case either of them should form any particular Enterprise in which the concurrence of the other may be desired, the Party whose concurrence is desired shall readily, and with good faith, join to act in concert for that Purpose, as far as circumstances and its own particular Situation will permit; and in that case, they shall regulate by a particular Convention the quantity and kind of Succour to be furnished, and the Time and manner of its being brought into action, as well as the advantages which are to be its Compensation."

#### Questions:

1. Who are the "contracting Parties" in this document?
2. What are the two parties agreeing to do according to this document?

## TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES AND FRANCE, February 6, 1778

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This treaty established trading agreements between the United States and France.

### Excerpt 1 - ART. 17.

"It shall be lawful for the Ships of War of either Party & Privateers freely to carry whithersoever they please the Ships and Goods taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested or seized, when they come to and enter the Ports of either Party; nor shall the Searchers or other Officers of those Places search the same or make examination concerning the lawfulness of such Prizes, but they may hoist Sail at any time and depart and carry their Prizes to the Places express'd in their Commissions, which the Commanders of such Ships of War shall be obliged to shew..."

### Questions:

1. What are "Ships of War?"
2. What are "privateers?"
3. What would happen to privateers from the United States who captured good from the British on behalf of the French?

### Excerpt 2 - ART. 21.

"No Subjects of the most Christian King shall apply for or take any Commission or Letters of marque for arming any Ship or Ships to act as Privateers against the said United States or any of them or against the Subjects People or Inhabitants of the said United States or any of them or against the Property of any of the Inhabitants of any of them from any Prince or State with which the said United States shall be at War. Nor shall any Citizen Subject or Inhabitant of the said United States or any of them apply for or take any Commission or letters of marque for arming any Ship or Ships to act as Privateers against the Subjects Of the most Christian King or any of them or the Property of any of them from any Prince or State with which the said fling shall be at War: And if any Person of either Nation shall take such Commissions or Letters of Marque he shall be punished as a Pirate."

### Questions:

1. What country is “the most Christian King” from based on what you know about this document?
2. a. Is “the most Christian King” allowing for any Letters of marque to be issued against the property of citizens of the United States?  
b. Underline the words in the passage above that prove your answer to question 2a.
3. According to the document above, under what circumstances, would a United States citizen acting as a privateer be punished as a pirate by “the most Christian king?”

### **Excerpt 3 - ART. 22.**

"It shall not be lawful for any foreign Privateers, not belonging to Subjects of the most Christian King nor Citizens of the said United States, who have Commissions from any other Prince or State in enmity with either Nation to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to sell what they have taken or in any other manner whatsoever to exchange their Ships, Merchandizes or any other lading; neither shall they be allowed even to purchase victuals except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions."

### Questions:

According to this document, can privateers from other countries dock their ships in United States ports? If so, which country(ies) can privateers sail for and also dock their ships in the United States?