

## The Story behind the Proclamation of Peace

### *The War that almost didn't end.*

In December 1783, France, America's ally in the War of Independence, celebrated the Peace Treaty of Versailles with Great Britain with fireworks and a Te Deum Mass. Congressmen in the new United States, however, did not share that joy. Their mood was grim.

Congress had convened on December 13 in Annapolis, Maryland to approve the Treaty of Paris, America's version of the treaty of peace with Great Britain. A quick headcount revealed that victory — British recognition of American independence and the end of the Revolutionary War — was in jeopardy. The treaty, in which Britain accepted American independence, agreed to its international boundaries, and promised a complete withdrawal from American territory, was a triumph. Yet Congress, meeting in the Maryland State House, lacked enough complete state delegations to approve it.

Under the Articles of Confederation each of the 13 states could, at the decision of the individual states, have two to seven delegates in Congress. Each state, however, had only one vote. Treaty ratification required the votes of nine of the 13 states. Yet only seven full state delegations were present. Each passing day made the situation more serious. American and British ratifications of the Treaty of Paris were to be exchanged in Paris by March 3. A missed deadline would allow the British to call for renegotiation of the treaty. The War could even begin again.

Despite British evacuation of New York City and London's agreement to a provisional Suspension of Arms and Cessation of Hostilities, America's security situation was not good. Britain still occupied forts on the western frontier. At the same time, the American army had, by order of Congress, in effect, disbanded and consisted of not more than 200 men and officers. In addition, George Washington surrendered his commission as commander-in-chief to the Congress on December 23. News from abroad also increased congressional anxiety. Ships arriving in Baltimore brought rumors of a new European war between Russia and Turkey, which could, if it involved France, leave the United States almost defenseless.

Only the arrival of the missing congressmen and the ratification of the peace treaty could quiet such worries. Unfortunately, North America was experiencing one of the harshest winters ever recorded. Freezing and sub-freezing temperatures, heavy snow falls and other blizzard conditions made travel especially difficult. The snow accumulation in Morristown, New Jersey during November, December and January, for instance, reached 83.5 inches. Snow and freezing weather surprised much of the South. Spanish authorities in New Orleans even described the appearance of ice floes at the mouth of the Mississippi.

On December 23, Thomas Mifflin, President of the Congress, urgently called for help from the states that, 10 days into the session, either had partial delegations that could not qualify for full state voting rights, or no delegates at all in Annapolis. In dispatches to the governors of New Hampshire, Connecticut, New York, New Jersey, South Carolina and Georgia, Mifflin stressed the approaching treaty ratification deadline and declared that “the safety, honor and good faith of the United States” required the immediate attendance of their delegates in Annapolis.

His special plea sent the next day to the New Jersey and Connecticut governors outlined the dangerous situation Congress was facing. Mifflin wrote, “New Hampshire has but one member attending, and there is no probability of a representative of that state in less than six weeks. New York has no delegates in Congress, nor can it be represented in many weeks. South Carolina has one member attending; one of the delegates from that state is in ill health at Philadelphia; his attendance uncertain. By letters from Georgia, we find there is no probability of a representative from hence this winter.”

Mifflin told the two governors that “ratifications of the definitive treaty in proper time depend upon the immediate exertions of New Jersey and Connecticut” and asked that each tell his messenger when the Congress could expect representation from their state.

Thomas Jefferson, delegate from Virginia, author of the Declaration of Independence and manager of the treaty ratification effort, was dismayed. In a letter to James Madison, Jefferson compared trying to guess when absent delegates might appear with attempting to calculate “when the next earthquake might happen.”

In a Christmas Eve letter to Benjamin Harrison, Virginia's governor, Jefferson expressed “extreme anxiety at our present situation.” He wrote, “The departure of a member two days hence leaves us with only six states and, of course, stops all business... We have no certain prospect of nine within any given time. Chance may bring them in, and chance may keep them back. In the meantime only a little over two months remain for assembling, ratifying and getting the ratification across the Atlantic to Paris.” Jefferson said, “All that can be said is, it is still possible.”

Jefferson's suggestion the next day that ships be placed “on stand-by” to carry the treaty approval (Instrument of Ratification) to Europe was a catalyst for an extended debate on the ratification issue itself. Arthur Lee, a colleague from Virginia, ridiculed Jefferson's idea as a waste of money. It would be better, he said, to ratify the treaty at once with the currently attending delegates and send it to Paris, than to reserve ships that could only be used if the missing delegates appeared at the State House door. Jacob Read (South Carolina) agreed and called for ratification of the treaty by seven states, a simple majority of the 13 states.

Read, Lee, and prominent advocates for immediate action such as Hugh Williamson (North Carolina) and Jeremiah T. Chase (Maryland) argued that ratification was merely a “matter of form.” They asserted that the Articles of Confederation required the assent of nine states to *enter into* a treaty not *conclude* one. According to this interpretation, the states had complied with the nine-vote requirement when Congress unanimously approved the provisional draft that its envoys had sent and when it instructed the envoys to agree to a definitive treaty with the same terms. The definitive treaty before the Congress, they said, was virtually verbatim to the earlier approved provisional version, and had therefore gone into force September 3, 1783 when the American and British negotiators signed it in Paris. To insist on ratification by nine states at this juncture, they contended, would give a minority of the Confederation, the power to keep the United States always at war.

Finally, they argued, time had run out. Only 67 days remained for the exchange of ratifications. If a “new” ratification was necessary then immediate action was critical or the treaty would be void. They pointed out that the ratification would go under the “Great Seal of the United States.” It would be an official document; Great Britain would not know that only seven states had concurred, nor would it have any right to ask. American congressmen are answerable only to their own constituencies, they said.

Jefferson and others, particularly Elbridge Gerry (Massachusetts), David Howell and William Ellery (Rhode Island) and James Monroe (Virginia), objected. They cited international law and the treaty itself requiring and stipulating ratification of the final document. They noted that the provisional treaty and the definitive treaty had differences. Under the Articles of Confederation, only nine states were competent to decide the acceptability of such changes, however small they might be. Otherwise, under certain circumstances, a simple majority of the 13 states, representing less than one third of the citizenry, could bind the Confederation to a treaty substantially different from the original.

Jefferson closed his argument by declaring that the dispatch of a flawed ratification would be “a dishonorable prostitution of our Seal.” He said that it would be impossible to keep ratification by seven states secret from a British government which was certainly familiar with the Articles of Confederation. Once Great Britain discovered the deception, Jefferson stressed, it would feel “surprised and cheated” and have grounds to renounce the treaty. Britain's sense of betrayal could also be increased if the states used the invalid ratification as an excuse to ignore treaty provisions that addressed the payment of prewar debts to British merchants and the issue of restoration or compensation for seized loyalist property.

After three days of heated debate, Read, Williamson and Lee announced that they would put the question to a vote. If the ratification failed, they declared, the nation would know exactly who kept America at war. Jefferson countered their threat. He presented a resolution that summarized all the

arguments of the opponents of the seven-state ratification idea. He promised to see it published in the Congress' journal as a justification for those who opposed Read's plan.

Read dropped his proposal either because of Jefferson's threat to publicly expose its illegality or, more likely, because it lacked the necessary votes. Neither Read's motion nor Jefferson's counter-resolution were entered in the Congress' journal. The Congress, now angry and divided, resumed its vigil for their absent colleagues.

Jefferson, desperate to meet the deadline, even contemplated moving the Congress en masse from Annapolis in search of votes. On New Year's Day, he wrote James Madison of the possibility of the entire body traveling to the Philadelphia sick bed of South Carolina's delegate Richard Beresford. An eighth state, however, would have to show up first in Annapolis to make it worthwhile.

But no one arrived. On January 2 Jefferson compromised. Under what he called his "middle ground" proposal, seven states could ratify the treaty, if, at the same time, the Congress officially affirmed its intention to forward a ratification of nine states as soon as possible. The plan called for Benjamin Franklin, America's ambassador to France, to ask Great Britain for a three-month extension of the ratification period at the same time Congress secretly sent him the provisional ratification. If Britain granted an extension, Jefferson said, Congress would have time for ratification by nine states. If the extension was not granted, Franklin would present the ratification by the seven states.

Franklin was to explain that the treaty had arrived when Congress was not in session, plead the severity of the winter and explain that only seven states had assembled by the time for dispatch for Europe. To show good faith and meet the deadline, however, all seven states had approved the treaty. Franklin was then to assure the British that a more complete ratification would be sent from Annapolis at the earliest possible moment. It could well be on its way across the Atlantic at that very moment.

Jefferson's compromise united the assembly. Mifflin sent the proposal to a committee chaired by Jefferson that included one person from each side of the seven versus nine state dispute. Congress acted on its favorable report the next day. A number of delegations asked for time to secure voting instructions from their state governments. Congress set January 14 as the date for the vote.

On January 5, Charles Thomson, secretary of the Congress, sent a message to Franklin via a ship leaving Annapolis for Europe. His unsigned note did not mention the Congress' plan, nor request a specific extension time. Instead it simply reported that seven states had assembled in Congress, all were unanimous in their desire to ratify, and the measure would be taken up as soon as nine states assembled. "In the meanwhile" he said, "as the weather is severe and traveling extremely difficult from a heavy fall of snow, it is to be feared that the ratification may not arrive unless the time for exchanging the ratification should be extended." Franklin, Thomson knew, would understand and immediately request an appropriate extension.

On January 13, Oliver Wolcott and Roger Sherman of Connecticut presented their credentials bringing the total of full state delegations to eight. By dawn the next day, to the relief of the Congress, a sick, but determined, Richard Beresford of South Carolina made his way through the snow drifts into Annapolis to complete his state's delegation. Ratification by less than the number of states stipulated in the Articles of Confederation was no longer necessary.

On January 14, for the first time in Annapolis, nine complete state delegations answered the morning roll call. Congress immediately unanimously ratified the Definitive Treaty of Peace. The nine states voting included Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina, together with one member each from New Hampshire and New Jersey. The ratification document, written by Jefferson, took the form of a proclamation, which included the entire treaty text, and concluded with a congressional promise to “sincerely and faithfully perform and observe the same and never suffer them to be violated by anyone or transgressed in any manner as far as lies in our power.” The Great Seal of the United States was affixed to the document's upper left hand corner, with the signature of President Thomas Mifflin underneath.

The Congress then passed the proclamation announcing the ratification of the definitive treaty. The public proclamation, also written by Jefferson, was virtually the same as the formal ratification itself. It closed, however, with an additional statement calling on all governmental bodies and “the good people of these states” to respect those stipulations entered into on their behalf and “to carry into effect the said Definitive articles and every clause and sentence thereof sincerely and completely.”

The Congress then passed a resolution to the States “earnestly recommending” state legislature compliance with Article 5 of the treaty which called for restitution of all estates, rights and properties of loyalists who had not borne arms against the United States. The assembly then ordered the secretary to transmit to the states copies of the proclamation and the recommendations. Mifflin and Thomson signed copies of the proclamations sent to the state governors. The documents also carried the Great Seal above the names of the president and secretary. Secretary Thomson also sent other proclamations, signed by him, to the major cities.

Jacob Read concluded the session by proposing that Congress celebrate the ratification with a “public entertainment” in Annapolis the following week. It passed by acclamation.

Jefferson quickly put together an “instrument of ratification” package for the exchange ceremony in Paris. Mifflin gave one set of ratification documents — which included the ratification, the proclamation and the recommendations to the states — to Colonel Josiah Harmar, a 30-year-old officer who had served with distinction on Washington's staff and who had just been appointed Secretary to the President of Congress.

Lieutenant Colonel David S. Franks, the 30-year-old former aide to General Benedict Arnold, who had asked for a court martial and had been exonerated of involvement in Arnold's treason, volunteered to take a second set. Congress ordered a third set of the official documents sent to Robert Morris, Superintendent of Finance, in Philadelphia with instruction to send them on the next ship to Europe.

Colonel Harmar left Annapolis for New York City on January 15. He stopped briefly in Head of Elk (now Elkton), Maryland where he met the French ambassador, the Chevalier de La Luzerne, who was en route to the Congress from Philadelphia. La Luzerne gave Harmar a letter for Captain d'Aboville of the French packet "Le Courier de l'Amerique" docked in New York harbor, instructing him to take Harmar to France. Harmar continued on to Philadelphia where he rested overnight as a guest of the Mifflin family. He was awakened before dawn. Outside a torch-lighted sleigh awaited him for his final lap to New York City. Harmar arrived in the newly liberated city on January 19 and was immediately welcomed aboard the French ship.

Franks arrived in New York a few days later and secured passage on a ship bound for Britain. The harbor, however, was iced in. Neither ship could sail until February 21. Harmar arrived first, making landfall after a difficult 33-day voyage at L'Orient, the French naval base in Brittany. After presenting his credentials to the admiral of the port, he hired a three-horse carriage and left for Paris, stopping only at Post Houses to change horses. On the evening of March 29 an exhausted Harmar delivered the ratification to Benjamin Franklin at the minister plenipotentiary's official residence in Passy, outside Paris.

The American ratification arrived long after the original deadline. Franklin had not received Thomson's letter asking for a delay until two days after the deadline. Congress's suspicion of British readiness to renounce the treaty, however, was incorrect. London had responded positively to the explanation that inclement weather had delayed ratification. It declined an American offer to formally prolong the term for ratification, replying that it was unnecessary. Europe, like America, was experiencing a terrible winter, a winter that was, as Franklin noted, "unlike any even the oldest men could remember."\*

Parliament had been dissolved and elections delayed British ratification. George III, informed that the American ratification had arrived in Paris, signed the British ratification on April 9, 1784. Both nations exchanged ratifications in Paris on May 12, 1784.\*\*

The seven-and-a-half-year War of Independence was over. The American revolutionaries had triumphed. Peace, victory, recognition was theirs. As Benjamin Franklin wrote his friend Charles Thomson, "the great and hazardous enterprise we have engaged in, is, God be praised, happily completed."

*\* Just before leaving France for home, Benjamin Franklin linked the abnormally cold winters in the United States and Western Europe and the appearance of dry fog in Europe that seemed to obscure the sun with recent volcanic eruptions in Iceland. His observation, in a paper submitted to the Literary and Philosophical Society of Manchester, England, is considered the first scientific link of volcanic eruptions with climatic change. Iceland's Laki eruptions, 80 times the size of Mount St. Helens, are now considered the major cause of the "Long Winter of 1783–1784. Today scientists often cite the consequences of the Laki eruptions in Nuclear Winter studies.*

*\*\* The British were surprised by the ratification's format but accepted it. A few weeks later, however, Britain informally asked that certain "defects" in the document be corrected. Its principal objection was "that the United States are named before his majesty, contrary to the established custom observed in every treaty in which a crowned head and a republic are the contracting parties." It also questioned the ratification's use of "the term "definitive articles" instead of "definitive treaty." In addition, Britain objected to the placement of both President Mifflin's signature and Great Seal in the left margin of the document rather than at the bottom and the lack of date next to the signature.*

*To Franklin, the objections were "trivial and absurd" but he responded. He noted that the treaty reproduced in the ratification document itself always referred to the king before the United States. Although the reverse was true in other sections of the ratification, Franklin said that he was confident "that there was no intention of affronting his majesty." Similarly he discounted the importance of the ratification's use of the words "definitive articles" instead of "definitive treaty" since "in the treaty itself it is called the present definitive treaty." He also dismissed concerns about the placement of the Great Seal of the United States and the signature of President Mifflin. It was all a matter of national custom, he said. Nor was there a need for a date next to the signature, since it appears at the end of the ratification text. The British dropped the matter.*

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The Library of Congress' excellent American Memory Historical Collections division was the primary source for this account of the 1783&#8211;1784 American struggle to ratify the Treaty of Paris. Especially useful were the online editions of "The Revolutionary Diplomatic Correspondence of the United States," "Letters of Delegates to Congress," "Journals of the Continental Congress," and the "Thomas Jefferson Papers of the Library of Congress." Thomas Jefferson's Autobiography also addressed the ratification struggle and was very useful.