



Books and Manuscripts (1730)

May 4, 2022 EST, Freeman's

Viewing:

The exhibition will be on view by appointment at our [1600 West Girard Avenue](#) location from April 29 to May 3, by appointment only.

To make an appointment, please contact Colin Foley at cfoley@freemansauction.com

Lot 28

Estimate: \$50000 - \$80000 (plus Buyer's Premium)

[Americana] [Treaty of Paris] [Franklin, Benjamin, and John Adams, and John Jay, et al.] Contemporary Manuscript Letterbook of the Peace Negotiations between the United States and Great Britain

A contemporary manuscript of Benjamin Franklin, John Jay, and John Adams's peace journals during their negotiations with Great Britain to end the American Revolution

"Britain may amuse herself with, and therefore be embarrassed by doubts of, our title to independence, but we have no such doubts, and therefore cannot be perplexed or influenced by them" -John Jay

"His Britannic Majesty acknowledges the said United States viz., New Hampshire, Massachusetts Bay, Rhode Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina & Georgia to be free, sovereign and independent States..."

Circa late 18th-century (after 1786). Folio, 14 1/2 x 9 1/2 in. (368 x 241 mm). Contemporary letterbook, containing 370 MS. pp., in one secretarial hand, comprising the peace negotiation journals of the United States peace commissioners, Benjamin Franklin (pp. 1-127), John Jay (pp. 141-250), and John Adams (pp. 253-313), being their correspondence and notes created during negotiations with Great Britain, France, and Spain, between 1782 and 1783, that would broker the Treaty of Paris (1783), ending the American Revolution. This volume also includes joint letters from the peace commissioners, as well as drafts of the provisional peace agreement between the United States and Great Britain. Eighteenth-century full reverse calf, stamped in black; rubbed and worn, front board detached, rear board starting, spine splitting; numerous emendations to text in one, or possibly two, MS. hands, throughout volume; inscription on verso of second front blank, in a different, and undetermined, MS. hand, "I believe Mr. Sparks did not see this Book at the/time he examined the Other Papers. My health being/so-bad, was unable to examine the papers/(signed with initials, but unclear)."

An extremely important and unique contemporary manuscript containing the peace journals of the American delegation appointed by Congress to negotiate peace with Great Britain to end the American Revolution.

"Letters were not the only means by which Adams and his colleagues sought to document and justify their actions. Benjamin Franklin kept a journal of the negotiations. John Jay

wrote lengthy letters that took on the character of a journal. And John Adams had his Diary, which he kept almost daily from his arrival at Paris on 26 October 1782 through 23 January 1783. Ultimately the three men sent their chronicles of the negotiations to Congress, which received them all in mid-March." (Introduction to *The Papers of John Adams, Volume 14*).

We presume that this manuscript was created by, or for, the Office of Foreign Affairs (1781-89) or its successor, the State Department (established in July 1789). It is also possible that it was created by someone close to the American peace delegation--or someone in Congress--who would have had access to all three journals, as at that time they were not available to the public. As the author of the inscription in this volume notes, historian Jared Sparks viewed "the Other Papers" presumably linked to this volume, but because of the author's poor health, he could not grant Sparks access to this manuscript (Sparks was granted access to early diplomatic papers in preparation for his *Diplomatic Correspondence of the American Revolution*). As Herbert Baxter Adams writes in *The Life and Writings of Jared Sparks...*, Vol. 2 (1893): "In February 1832, at the request of Mr. Livingston, then Secretary of State, Mr. Sparks made an examination of the papers in that department relating to the foreign affairs of the United States from the treaty of peace in 1783 to the adoption of the present Constitution." (p. 151). This manuscript would have functioned as a single source of reference to access the history of the negotiations of the American delegation that resulted in the signing of the Treaty of Paris in September 1783. It is our belief that at the time this journal was made, it represented one of only a few single volumes* containing all three of the American peace delegate's journals and associated letters and documents.

*Benjamin Franklin's secretaries completed three letterbook copies of the peace journals following the signing of the Definitive Treaty in September 1783. As *Founders Online* indicates in a note to the "Editorial Note on the American Peace Commissioners' Project for a Definitive Treaty of Peace, [August 6, 1783]": "...three legation letterbooks prepared by bfBF's [Benjamin Franklin] secretaries after the definitive treaty was concluded. Two of the letterbooks (preserved among BF's bfBFBFpapers at the Library of Congress)...L'Air de Lamotte in one case, and BFB [Benjamin Franklin Bache] in the other...The third letterbook, also written by L'Air de Lamotte (Adams Papers, Mass. Hist. Soc.)." This note is also printed in *The Papers of Benjamin Franklin*, vol. 40, *May 16 through September 15, 1783*, ed. Ellen R. Cohn. New Haven and London: Yale University Press, 2011, pp. 435-439.

We have been unable to locate any other contemporary manuscript similar to this one ever being offered at auction.

This manuscript journal represents a singular view into the long and arduous peace process that culminated in the recognition of the United States as "free, Sovereign & independent."

Comprising the following four sections:

Doctor Franklin's Journal, begun 9th May 1782 and July following

Passy (Paris, France), etc., March 21, 1782-July 1, 1782. 127 pp. (pp.1-127). Comprising 25 letters, written in a secretarial hand, as well as narrative commentary in the same secretarial hand. This journal summarizes the early state of the peace negotiations between Franklin and the British and French

governments. It begins after the change in British government, when Lord North was replaced with Lord Shelburne following the British defeat at Yorktown. It follows the preliminary informal negotiations between Franklin and British negotiator Richard Oswald, an old friend of Franklin's, and from there the numerous diplomatic meetings between the various ministers of Britain, France, and Spain, giving detailed glimpses of their actions in establishing official treaty negotiations.

The copy this section of the journal is based on is held in the National Archives. It was compiled at Franklin's request by his grandnephew, Josiah Flagg (1760-1840), in the spring of 1786. It comprises many important documents that were in Franklin's possession at the time regarding the early process of the peace negotiations with Great Britain and France. "The transcript at the National Archives may have been based on the now-missing copy of the journal that bF sent to Congress with his letter of Dec. 5[-14], 1782." Franklin "explained that it was only 'the first Part of a Journal, which Accidents and a long severe Illness interrupted, but which from Notes I have by me may be continued, if thought proper. In its present State it is hardly fit for the Inspection of Congress, certainly not for Public View.'" (*Franklin: Journal of the Peace Negotiations, 9 May[-1 July 1782]*, *Founders Online*, National Archives). Many of the original letters featured in Flagg's manuscript copy are now lost, and are only known due to his transcription.

The National Archive's copy is lightly edited in Franklin's hand. It also features a numbering system, which presumably assisted Flagg in arranging Franklin's letters chronologically. That numbering system is copied in this version.

Flagg's transcription of Franklin's journal is featured in Volume III of Jared Sparks's *The Diplomatic Correspondence of the American Revolution* (1829-30), pp. 376-477; Volume V of Francis Wharton's *The Revolutionary Diplomatic Correspondence of the United States* (1889), pp. 535-585; and *The Papers of Benjamin Franklin*, vol. 37, *March 16 through August 15, 1782* (2003), pp. 291-346.

The text in our copy differs slightly from Flagg's manuscript in the following instances: letters dated June 5 and 6 in Flagg's copy are not present in this copy (these letters are numbered 31 and 32 in this copy, and are noted as "missing" under their respective dates, pp. 102-103). These two letters are printed in Sparks's *Diplomatic Correspondence*, but not in the body of the journal, as they appear elsewhere in Spark's volume, and are listed separately. They are also not present in Wharton's *Revolutionary Diplomatic Correspondence*. Further, the text concerning the release of Lord Cornwallis in a prisoner swap for Henry Laurens is included in this copy, following the letter of June 11 (pp. 109-110), and is also included in Sparks's and Wharton's works, but does not appear in Flagg's copy. The note in *Founders Online* concerning that text states: "Apparently BF (Benjamin Franklin) intended to insert the text of the discharge of Cornwallis (below, June 9), but it was not copied." This copy also has numerous emendations present in an unknown hand. In some instances, the text is grammatically corrected, when compared with Flagg's version. Further scholarship comparing the known available versions of this section of the manuscript might illuminate further differences, and point toward its possible origin.

Mr. Jay's Journal

Paris, November 17, 1782. 109 pp. (pp. 141-250). John Jay's journal is essentially a summation of events regarding the

ongoing peace negotiations after his arrival in France, and is composed in the form of a lengthy letter to Secretary of Foreign Affairs, Robert R. Livingston, and is penned in the same secretarial hand as the above journal. "In this letter, more accurately described as a journal, Jay recounted the progress, or lack thereof, of his negotiations with France, Spain, and Great Britain since his arrival at Paris on 23 June." (see first footnote in letter from John Adams to Jonathan Jackson, 17 November 1782, *Founders Online*). Specifically, this journal delineates Jay's correspondence with David Hartley, as well as Spanish Minister, Count d'Aranda, and the French Ministers Comte de Vergennes and M. de Rayneval, regarding a variety of issues, including borders, fishing rights, reparations to loyalists, and the specific terms of negotiating peace. In response to a commission issued by King George III to Hartley, Jay pointedly states his prerequisite that any negotiation between the United States and Great Britain can only proceed once Britain has acknowledged the independence of the 13 colonies, stipulating that, "The United States cannot be known, at least to their Commissioners by any other than their present, proper, political name," (p. 203), writing further that "As Congress have no doubts of their own independence, they cannot with propriety sanctify the doubts of others, and, therefore, cannot admit the sufficiency or decency of any commission that contains them (p. 204)...Britain may amuse herself with, and therefore be embarrassed by doubts of, our title to independence, but we have no such doubts, and therefore cannot be perplexed or influenced by them" (p. 212). Jay discusses at length the similarities between the struggle for independence in the United States and the history of similar struggles in other countries. He ends by announcing the arrival of John Adams, giving his opinion on keeping a standing army until a treaty is signed, and making pointed remarks about the conduct and intentions of the French court.

This journal is in the *Papers of the Continental Congress* (PCC, No. 110, II, f. 142–263), and is printed in Volume VIII of Sparks's *Correspondence*, pp. 129-207; Volume VI of Wharton's *Correspondence*, pp. 11-49; and *The Correspondence and Public Papers of John Jay, Vol. 2 (1781-82)* (1891). A note in the latter volume, in reference to this journal, indicates that, "The papers relating to the peace negotiations of 1782-83 contain nothing more interesting or important than this report from Jay to Secretary Livingston. As detailing the steps leading up to the preliminary treaty with England and emphasizing the success of the American Commissioners it is especially valuable."

There are some textual differences between the content of this copy and Jay's published letter as it appears in Sparks's *Correspondence*, Wharton's *Correspondence*, and *The Public Papers*. In this copy, a warrant issued by King George III on July 25 to his Solicitor General, and composed by Secretary of State for Colonial Affairs, Thomas Townshend, is present in full (p. 146-149). It is not present in Wharton or the *Public Papers*, but is noted in Sparks as being printed elsewhere in his text, in the section on Joint Correspondence. Our copy features at length Jay's preliminary articles of a treaty between the United States and Great Britain, composed after British negotiator Richard Oswald was granted a new commission from King George, pp. 241-245. These articles are not printed in *The Public Papers* or Wharton. As indicated in Jay's journal, he did not list the articles at length to Livingston because, "Copies of it have already been sent to you, so that I will not lengthen this letter by inserting it here; nor will I add any thing (sic) further on this

head at present." These articles are noted in Sparks as being printed elsewhere in his text, in the section of Joint Correspondence. Marginal citations are present in this copy in the same hand as the rest of the journal, and reference a work by Flemish historian Emmanuel van Meteren, on pp. 212-23; scattered emendations are present in this section in the same unknown hand as in the Franklin section. Further scholarship comparing the known available versions of this section of the manuscript might illuminate further differences, and point toward its possible origin.

Mr. Adams's Journal

November 2, 1782-December 13, 1782. 60 pp. (pp. 253-313). Comprising 22 entries excerpted from Adams's personal diary, and penned in the same secretarial hand as the above journals. It chronicles his arrival in France, his frustrations with the French court, as well as the commission's decision to ignore Congress's instructions and privately make a treaty directly with Great Britain, without France's involvement. This was a momentous decision that completely changed the course of the negotiations.

The contents of this journal exist in three versions. First, as entries written in Adams's personal diary (now at the Massachusetts Historical Society). Second, as *extracts* culled from his diary, and edited to make his "Peace Journal". This Journal was compiled by Adams's secretaries, John Thaxter and Charles Storerand, and subsequently enclosed with his December 14, 1782 letter to Secretary of Foreign Affairs, Robert R. Livingston. It begins with the diary entry for November 2, and ends with the entry for December 13. That version is in the *Papers of the Continental Congress* (PCC, No. 84, IV, f. 242-296). A third version was enclosed with his December 28 letter to his wife, Abigail Adams, and is considerably longer, beginning with the entry for October 27, and continuing through December 21. Now lost, the National Archives speculate that this third version was given by Abigail to Massachusetts delegate, Jonathan Jackson. Some historians believe that Jackson was the original intended recipient of the *second* version of Adams's journal, but that it was mistakenly sent to Livingston, then subsequently entered into the Congressional record. The text in our copy matches the version sent to Livingston.

This journal is printed in Volume VI of Sparks's *Correspondence*, pp. 465-512; Volumes V and VI of Wharton's *Correspondence*. His full original diary entries appear in Volume 14 of *The Papers of John Adams, October 1782-May 1783* (Harvard, 2008).

There are some textual differences between our copy and their appearance in Sparks and Wharton. The entry for Sunday November 10 in our copy (pp. 257-261), ends with an additional paragraph not present in Sparks. As Wharton states, Sparks chose to not include it. The entry for November 11 makes reference to Richard Oswald's commission. In our copy the text of his commission is present in full, pp. 310-313, but is not present in Sparks or Wharton. There are also some differences between our copy and Adams's diary entries, although that may be due to Thaxter and Storerand's editing. Further scholarship comparing the known available versions of this section of the manuscript might illuminate further differences, and point toward its possible origin.

Letters written jointly by the Hon'ble the Ministers Plenipotentiary of the United States for negotiating a Peace together with the Papers relative to their joint Negotiations

December 14, 1782-April 9, 1784. 74 pp. (pp. 315-389). Comprised of numerous letters in the same secretarial hand as the above journals, including correspondence from the joint commissioners, Franklin, Adams, and Jay, transcripts of the Provisional Articles of the treaty, and letters concerning the signing and ratification of the Definitive Treaty by the United States and Great Britain (ca. November 1783, and January-April 1784).

Background

The Treaty of Paris officially ended the American Revolution. Signed by the American peace delegation of Benjamin Franklin, John Adams, and John Jay, and their British counterparts, David Hartley and Richard Oswald, on September 2, 1783, the treaty brought to an end eight years of hostilities between Great Britain and their former colony. With the defeat of Cornwallis at Yorktown on October 19, 1781, British officials became open to non-militaristic ways to resolve the conflict. By the summer of 1782 informal talks began between Benjamin Franklin and Richard Oswald in Paris, and soon after, the other two American peace delegates, John Adams and John Jay joined the negotiations that now involved French, as well as Spanish officials. Thomas Jefferson and Henry Laurens were originally appointed as delegates, but Jefferson was unable to attend, and Laurens was captured by the British and only joined much later. After weeks of negotiations, secret plans by the French aimed at dividing the American states had come to light, and Jay and Adams became convinced that the French and Spanish were negotiating in bad faith and trying to undermine American interests. Franklin, who was sympathetic to the French government and sought to keep them involved in any negotiations, was eventually persuaded by Jay and Adams that only a separate treaty, conducted solely with Great Britain, would ensure that the United States received the most favorable terms of peace. By this time Lord North had been replaced by Lord Shelburne, who was more sympathetic to the idea of an independent America, and who viewed mutual trade as more beneficial than a costly war. Negotiations had stalled in the summer when Great Britain would not recognize American independence as a precondition for negotiating, but with the election of this new government, this hurdle was quickly overcome and terms for peace soon followed. In November 1782 a preliminary treaty was agreed to that was highly favorable to the United States, granting them all the land west of the Appalachian Mountains to the Mississippi River (the Northwest Territory), secured fishing rights off the British-Canadian coastline, opened the Mississippi River to navigation and trade, provided solutions for the reclamation of debts by both the British and the Americans, and, on paper, ensured the fair treatment of Loyalists remaining in the States. The following months saw little change to this basic framework while Great Britain negotiated separate treaties with France and Spain. The treaty was ratified by Congress on January 14, 1784, and by Parliament on April 9.