RIGHT OF ACCESSION OF KING OF SPAIN TO TREATIES BETWEEN UNITED STATES AND FRANCE

Act separate and secret signed at Paris February 6, 1778
Ratified by the Congress of the United States (Continental Congress) May 4, 1778
Ratified by France July 16, 1778
Ratifications exchanged at Paris July 17, 1778
Entered into force July 17, 1778
Declared abrogated by Act of Congress approved July 7, 1798 [1]

17 Stat. 795; Treaty Series 83 [2]

Act Separate and Secret

The most Christian King declares in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the United States of America this Treaty of amity and commerce,[3] and that of eventual and defensive alliance,[4] his Majesty hath intended and intends to reserve expressly, as he reserves by this present separate and secret act, to his said Catholic Majesty, the Power of acceding to the said Treatys, and to participate in their stipulations at such time as he shall judge proper. It being well understood nevertheless, that if any of the Stipulations of the said Treatys are not agreeable to the King of Spain, his Catholic Majesty may propose other conditions analogous to the principal aim of the alliance and conformable to the Rules of equality, reciprocity & friendship.

The Deputies of the United States in the name of their constituents, accept the present Declaration in its full extent and the Deputy of the said states who is fully impowered to treat with Spain, promises to sign on the first Requisition of his Catholic Majesty, the act or acts necessary to communicate to him the Stipulations of the Treaties above written; and the said Deputy shall endeavour in good faith the adjustment of the points in which the King of Spain may propose any alteration, conformable to the principles of equality,

[1] 1 Stat. 578. See footnote 1, *ante*, p. 763.
[2] For a detailed study of this act, see 2 Miller 45.
[3] TS 83, *ante*, p. 763.
[4] TS 82, *ante*, p. 777.

reciprocity and the most sincere and perfect amity; he the said Deputy not doubting but that the Person or Persons impower'd by his Catholic Majesty to treat with the United States will do the same with regard to any Alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In Faith whereof the respective Plenipotentiaries have signed the present separate and secret Article, and affixed to the same their Seals.

Done at Paris, this sixth Day of February, one thousand seven hundred and seventy-eight.

B. FRANKLIN [SEAL]
SILAS DEANE [SEAL]
ARTHUR LEE [SEAL]
Deputy Plenipotentiary for France and Spain
C. A. GERARD [SEAL]