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JOURNALS OF THE
CONTINENTAL CONGRESS

1774-1789

EDITED FROM THE ORIGINAL
RECORDS IN THE LIBRARY OF
CONGRESS BY GAILLARD HUNT

Volume XXVII. 1784

May 11-December 24

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON

1928

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TUESDAY, MAY 11, 1784.

Congress assembled: Present, eleven states as yesterday.

A motion was made by Mr. [Arthur] Lee seconded by Mr. [Thomas] Stone,

That the Superin^t of Finance furnish the Honble Thomas Jefferson with an Advance of one Quarter's Salary and that he make Provision in Europe for an Advance of the second Quarter's Salary at the end of the first Quarter.

Resolved, That the said motion be referred to the Superintendant of Finance to take Order.¹

On motion of Mr. [Thomas] Stone, seconded by Mr. [Jacob] Read,

Resolved, That the agent of marine provide suitable accommodations for Mr. Jefferson's passage to Europe.

On motion of Mr. [John] Beatty, seconded by Mr. [David] Howell,

Resolved, That the information communicated to Congress by the governor of the State of New Jersey, in consequence of their act of the 6th of January last, as the result of his enquiry respecting the robbery of the post office at Princeton, is satisfactory, and exculpates Mr. Harrison, the postmaster at Princeton, from every suspicion of collusion or fraud.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson,

Resolved, That a secretary to the commission for negotiating commercial treaties be appointed, and that tomorrow be assigned for that purpose.

A motion was then made by Mr. [Roger] Sherman, seconded by Mr. [David] Howell,

That from and after the first day of August next, the salary of a secretary ~~to any minister or ministers plenipotentiary~~

¹ This motion and resolve were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

~~to reside in a Foreign Court~~ to a commission or embassy to a foreign court, or for negotiating treaties with foreign powers, shall not exceed three thousand dollars per annum.¹

A motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read, to amend by inserting "five hundred" after "three thousand:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [David] Howell,

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } div. | <i>Maryland,</i> | | |
| Partridge, | no | | Mr. Stone, | ay | } ay |
| <i>Rhode Island,</i> | | | Chase, | ay | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | |
| Howell, | no | | Mr. Hardy, | ay | } ay |
| <i>Connecticut,</i> | | | Mercer, | ay | |
| Mr. Sherman, | no | } no | Monroe, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | no | } div. |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } div. |
| Mr. Beatty, | no | } no | Beresford, | no | |
| Dick, | no | | | | |

So the question was lost.

On the question to agree to the motion, the yeas and nays being required by Mr. [David] Howell,

Resolved in the affirmative, every member answering ay.²

¹ This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 36, II, folio 325.

² Beginning with Mr. Gerry's motion, the proceedings to this point were entered in both the Public Journal and the Secret Journal, Foreign Affairs. From this point to the end of the day, they were entered only in the Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

Congress resumed the consideration of the report of the committee on the letters from the ministers of the United States in Europe; and on the question to agree to the following paragraph:

“That the said ministers be instructed to notify to the powers with whom they may negotiate, the great value at which these United States will esteem their friendship and connection, and that it will be their constant endeavour to promote a good understanding and harmony with them, and to prevent every thing which might interrupt it by every means in their power; but that the heavy debt which they have contracted during the late war has rendered it inconvenient at present for them to keep ministers resident at the courts of Europe, and they hope that this deviation from the practice of friendly nations may be ascribed to its true cause, and not to any want of respect to their friends, or of attachment to treaties, to the faithful observance of which they shall at all times pay the most earnest attention”—

The yeas and nays being required by Mr. [Hugh] Williamson—

| | | | | | |
|-----------------------|----|------|----------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>New York,</i> | | |
| Mr. Foster, | ay | } ay | Mr. De Witt, | no | } div. |
| Blanchard, | ay | | Paine, | ay | |
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Beatty, | ay | } ay |
| Partridge, | ay | | Dick, | ay | |
| <i>Rhode Island,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. Mifflin, | no | } no |
| Howell, | ay | | Montgom- | no | |
| <i>Connecticut,</i> | | | ery, | no | |
| Mr. Sherman, | ay | } ay | <i>Maryland,</i> | | |
| Wadsworth, | ay | | Mr. Stone, | no | } no |
| | | | Chase, | no | |

| | | | | | |
|------------------|----|------|------------------------|----|--------|
| <i>Virginia,</i> | | | <i>North Carolina,</i> | | |
| Mr. Hardy, | no | } no | Mr. Williamson, | ay | } div. |
| Mercer, | no | | Spaight, | no | |
| Monroe, | no | | <i>South Carolina,</i> | | |
| | | | Mr. Read, | no | } no |
| | | | Beresford, | no | |

So the question was lost.

Resolved, That the paragraph "That Consuls be appointed at the ports of _____ and Consuls General be established at _____" be postponed till Saturday next.

The rest of the report being amended, was agreed to as follows:

Resolved, That our said ministers to be Commissioned for treating with foreign nations, be referred to the instructions of the thirtieth day of May, 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.

That they require with firmness and decision, full satisfaction for all slaves and other property belonging to citizens of these states taken and carried away in violation of the preliminary and definitive articles of peace; and to enable them to do this on precise grounds, Congress will furnish them with necessary facts and documents.

Resolved, That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his sovereign and state; but that the subject of his application to Doctor Franklin, being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several states individually.

That Doctor Franklin be instructed to express to the Court of France the constant desire of Congress to meet

their wishes; that these states are about to form a general system of commerce by treaties with other nations; that at this time we cannot foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2d and 3d articles of our treaty of Amity and Commerce with his most Christian Majesty; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

Resolved, That the papers containing the claim of the five Fosters, Brothers, for the prize of their vessel, the *Three Friends*, made by Captain Landais, of the *Alliance* frigate, which papers were communicated by the Count de Vergennes to Doctor Franklin, to the end that he might apply to Congress for an indemnification of the said Fosters, be remitted to the said ministers with a copy of the fourth clause of the instructions to them, of October 29th, 1783, and the following extract from Doctor Franklin's letter of July 22, 1783, to the Secretary for Foreign Affairs, viz. "Mr. Barclay has in his hands the affair of the *Alliance* and *Bon Homme Richard*. I will afford him all the assistance in my power; but it is a very perplexed business. That expedition, though for particular reasons under American commissions and colours, was carried on at the King's expense, and under his orders. Mr. de Chaumont was the agent appointed by the Minister of Marine to make the outfit. He was also chosen by all the captains of the squadron, as appears by an instrument under their hands, to be their agent, receive, sell and divide prizes, &c. The Crown bought two of them at public sale; and the money I understand

is lodged in the hands of a responsible person at L'Orient. Mr. de Chaumont says he has given in his accounts to the marine, and that he has no more to do with the affair, except to receive a balance due to him. That account, however, is I believe unsettled; and the absence of some of the captains is said to make another difficulty, which retards the completion of the business. I never paid nor received any thing relating to that expedition, nor had any other concern in it than barely ordering the *Alliance* to join the squadron at Mr. de Sartine's request."—From which extract there is reason to believe, the United States of America had no concern in the expedition; but that it was carried on wholly under the authority and for the advantage of his Most Christian Majesty. That if this fact should not be so apparent as to give full satisfaction to his Majesty's ministers, they then take such measures as in their discretion shall be thought most conducive to an amicable and equitable adjustment thereof, on the best evidence they shall be able to procure.

Resolved, That the claim of the Sieur Bayard against these United States, for the sum of two hundred and fifty-five thousand two hundred and thirty-six dollars, Continental money, is not founded in justice, from the circumstances of the case as stated by himself, which are, that a vessel and cargo in which he was interested, sailing in May, 1779, from Charlestown for France, was taken by an English armed vessel, and retaken by an American frigate called the *Boston*; that she was carried to Boston, and there sold as French property by Mr. de Valnais, consul for France at that port; that he unfaithfully and irregularly, as is suggested, endeavoured to have the whole adjudged to the recaptors, but that

the sentence was, that they were only entitled to one eighth, and the Sieur Bayard's correspondents obliged Mr. de Valnais to deposit with the consul of France in Philadelphia, two hundred and fifty-five thousand two hundred and thirty-six dollars, Continental money, in part of the proceeds, with a reserve to the Sieur Bayard, against M^r. de Valnais, of every right of redress for his irregular conduct; that no injurious intermeddling by the United States or any of them, or by any of their citizens, is here complained of; that the money was constantly in the hands of the Sieur Bayard's correspondents, or of the consul of his nation; that he may indeed have suffered by its depreciation, as many others have suffered, both foreigners and citizens, but the latter in a much higher degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the money (which yet has been frequently practised by European states, who never have thought themselves bound to make good the losses thereby incurred either by their own citizens, or by foreigners) but ensued against the will and the unremitting endeavours of Congress; that in this case too it might have been lessened, if not prevented, by investing the money immediately in gold and silver, or in other commodities: Congress are therefore of opinion, that these states are not bound to make good the loss by depreciation.

That as to the residue of the claims of the Sieur Bayard, if founded in truth and right, they lie only against the State of Georgia, to the governor of which Congress will transmit copies of the papers, expressing at the same time our confidence that that state will cause to be done in it what justice and the respect due

between friendly nations require, and that the Sieur Bayard be referred to them.

Resolved, That the friendly services rendered by the Sieur John Baptist Pequet, agent for the French nation at Lisbon, to great numbers of American sailors carried prisoners into that port during the late war, and his sufferings on that account, merit the sincere acknowledgments of Congress; and that it be referred to the said ministers to deliver him these in honourable terms, and to make him such gratification as may indemnify his losses and properly reward his zeal.

On the report of a committee to whom was referred a motion of the delegates of North Carolina relative to the schooner *Nancy*, Captain Gladden, of the said state,

Resolved, That the papers relating to the detention of the schooner *Nancy*, Captain Gladden, belonging to citizens of the United States residing in North Carolina, be transmitted to our ministers for negotiating ~~with the Court of Great Britain~~ treaties with foreign powers; and that they be instructed to make enquiry into the cause of the seizure and detention of the said schooner and her cargo; and if it shall appear that she has been unjustly detained, to demand the release of the vessel and the restoration of her cargo, with adequate damages for her detention.¹

Resolved, That the form of the commission to the ministers for negotiating treaties of Amity and Commerce, or of Amity, be as follows:

The United States in Congress assembled—To all to whom these presents shall come, or be made known, send greeting.

¹ This resolution, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 28, folio 177^a.

Whereas an intercourse between _____ and the citizens of the United States of America, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations—Now THEREFORE KNOW YE, that we, reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved, the honourable John Adams, late one of our ministers plenipotentiary for negotiating a peace, and heretofore a delegate in Congress from the State of Massachusetts, and chief justice of the said State, the honourable Doctor Benjamin Franklin, our minister plenipotentiary at the Court of Versailles, and late another of our ministers plenipotentiary for negotiating a peace, and the honourable Thomas Jefferson, a delegate in Congress from the State of Virginia, and late Governor of the said State, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint them, the said John Adams, Benjamin Franklin and Thomas Jefferson, our ministers plenipotentiary, giving to them, or a majority of them, full power and authority for us, and in our name, to confer, treat and negotiate with the ambassador, minister or commissioner of _____ vested with full and sufficient powers of and concerning (a treaty of amity, or a treaty of amity and commerce, as the case may be) to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled for their final ratification. This commission to continue in force for a term not exceeding two years from the date hereof.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness his Excellency Thomas Mifflin, President, this twelfth day of May, in the year of our Lord,

one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America, the eighth.

The Committee of the week [Mr. David Howell, Mr. James Monroe and Mr. Abiel Foster] to whom was referred a letter dated Lancaster County the 30th day of April Ult. and signed Henry Dulhire, Deputy of the European Menonist—praying for the pre-emption of a district of territory on the River Ohio in behalf of said society submit the following Report:

Resolved, That the Secretary of Congress acknowledge the receipt of said letter, and inform M^r H. Dulhire, that an ordinance for the establishment of a Land office now under the consideration of Congress will soon be compleated and make known the terms on which the lands of the U. S. may be obtained.¹

The Committee of the week [Mr. David Howell, Mr. James Monroe and Mr. Abiel Foster] on the letter dated Philadelphia the 6th inst. and signed Richard Humpton, praying Congress to secure the payment of the interest of the ballances due to Mess^{rs} Marcellan and Le Roy two Lieutenants in the late Pennsylvania Line in the same manner as the payment of such interest has been secured in favor of other foreign officers,

Beq leave to report that said letter be referred to the Com^{tes} to whom was referred the application of said Marcellan and Le Roy.²

¹ This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 32, folio 547. It is undated, but doubtless belongs to this period.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 32, folio 553. The indorsement states that it was read on this day.

Also a letter of May 6 from the Superintendent of Finance. It is in No. 137, III, folio 615.

Also, another letter of May 6 from the Superintendent of Finance. It is in No. 137, III, folio 619.

Also, another letter of May 6 from the Superintendent of Finance which was referred to Mr. [Hugh] Williamson, Mr. [Thomas] Stone and Mr. [Roger] Sherman. It is on folio 627. Committee Book, No. 186, says a report was made on May 24.

Also, a letter of May 7 from John Pierce, Paymaster General. It is in No. 62, folio 17. It was referred to Mr. [Hugh] Williamson, Mr. [Thomas] Stone and Mr. [Roger] Sherman. Committee Book, No. 186, states that they reported May 28.

WEDNESDAY, MAY 12, 1784.

Congress assembled: Present, eleven states as yesterday.

Congress proceeded to the election of a Secretary to the Commission for negotiating treaties of Commerce with foreign powers; and, the ballots being taken, Mr. David Humphreys was elected.¹

The committee, consisting of Mr. [Thomas] Stone, Mr. [Edward] Hand and Mr. [Roger] Sherman, to whom was referred a letter of May 3, from Samuel Hodgdon, commissary of military stores, enclosing a letter of 14 April, from Joseph Whiting, and other papers; report,

“ That it appears from the letter of Joseph Whiting, that a certain Luther Stoddart, of Salisbury, in the state of Connecticut, hath, without any lawful authority or just cause, taken, carried away and converted to his own use, military stores the property of the United States, to about the value of 23,737½ dollars. That the only excuse made by the said Luther Stoddart for his conduct was, that he had got possession of continental certificates to the amount of about 7333⅓ dollars:” Whereupon,

Resolved, That the said letters and papers be transmitted to the Superintendent^t of finance, and that he take the most effectual measures for recovering the property of the United States, and for bringing the said Luther Stodart, and all those concerned with him, to trial, and that they may be dealt with as to law and justice appertains: and that the governor of Connecticut be requested to give every proper and necessary assistance to the Superintendent^t of finance for effecting these purposes.²

¹ This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs.

² Hodgdon's letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 319.

On the report of a comm^o, consisting of Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Ephraim] Paine, appointed to consider of the measures proper to be adopted in order to take possession of the frontier posts,

Resolved, That the commanding Officer of the troops now in the service of the United States be, and he is hereby directed to open a correspondence with the commander in chief of his Britannic Majesty's forces in Canada, in order to ascertain the precise time when each of the posts within the territories of the United States, now occupied by British troops, shall be delivered up.

That he endeavour to effect an exchange with the british commanding Officer in Canada, of the cannon and stores, at the posts to be evacuated, for cannon and stores to be delivered at West point, New York, or some other convenient place; and if this cannot be accomplished, that then he cause the complement of cannon and stores, requisite for those posts, to be in readiness to be transported thither in the most convenient and expeditious manner possible.¹

The Committee consisting of [Mr. Hugh Williamson, Mr. Elbridge Gerry and Mr. Richard Dobbs Spaight] to whom was referred a letter of the 28th April from the Minister of France inclosing the copy of a letter from the Paymaster General respecting the accounts of the late Baron de Kalb and other French officers, beg leave to report, That in May 1780 the sum of 226,000 dollars of the old paper emissions were advanced to Baron de Kalb for the use of the troops under his command when he marched to the southward. That in the action on the 16th August where the Baron was killed, his baggage, and papers and money fell into the hands of the enemy, on which your committee, submit the following resolve.

That the sum of two hundred and twenty-six thousand dollars of the old emissions paid into the hands of the late Major General Baron de Kalb in May 1780 for the use of the troops under his com-

¹ This report was also entered in the manuscript Secret Journal, Foreign Affairs.

mand, be passed to his credit, without requiring Vouchers for the expenditure, his accounts and vouchers having fallen into the hands of the enemy.

Your Committee are of the opinion that the demands of half pay which are made by certain foreign officers or their representatives must be determined by the former acts of Congress on that subject.¹

The Committee [Mr. Hugh Williamson, Mr. Jacob Read and Mr. Arthur Lee] to whom was referred the motion of M^r. [William] Ellery for giving leave to the Honorable B. Franklin Esq. to retire from public service in consideration of his advanced age and his repeated applications for that purpose submit the following report.

When the numerous and important treaties now pending in Europe shall have been negotiated it may be proper to consider whether the U. S. will dispense with the services of that Minister.²

THURSDAY, MAY 13, 1784.

Congress Assembled: Present as yesterday.

The Committee of qualifications, consisting of Mr. [Roger] Sherman, Mr. [John] Beatty, Mr. [Jeremiah Townley] Chase, Mr. [Hugh] Williamson and Mr. [Elbridge] Gerry, report,

That the delegates from the State of Rhode Island and Providence Plantations, now in Congress, were elected on the first Wednesday of May, 1783, by the votes of the freemen of the said State: That by a law of the said State, the delegates are to be elected annually on the first Wednesday in May: That by an act of the legislature of the said State, of the 22 of August, 1777, it is resolved, "That the delegates

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 53. The indorsement states that it was read this day. See *post*, August 3, 1785.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 353. The indorsement states that it was read on this day.

Also, a petition dated Boston, February 25, 1784, of Jonathan Eddy and others. It was referred to the Committee of the States to report thereon to Congress. The indorsement continues: "read in Committee July 26th 1784 and referred to the consideration of the next Congress ordered to lie."

appointed or who may be appointed to represent this State in Congress, be, and they, or either of them, are hereby empowered to represent said State in Congress, until they or either of them shall have due notice of their reelection, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year to the contrary notwithstanding."

~~That by the Journals of Congress it appears it has been the Usage ever Since the passing Said Act for the delegates from Said State to keep their Seats in Congress after the expiration of one year from the date of their election until notified of their re-election, or until other delegates appointed in their Stead took their Seats in Congress.~~

That none of the delegates of the said State took their seats in Congress, under the said appointment of May, 1783, until the 30th day of June last, the certificate of their appointment being first produced and read in Congress on that day, which is in the words following: "State of Rhode Island and Providence Plantations: I certify, that at the anniversary election of officers, civil and military, for the State aforesaid, held on the first Wednesday in May, A. D. 1783, the hon^{ble} William Ellery, Jonathan Arnold, David Howell and Henry Marchant, esquires were elected delegates to represent the said State in the Congress of the United States of America, for one year, and until others shall be appointed in their stead, and appear to take their places. Henry Ward, Sec^y"

That by the fifth of the Articles of Confederation it is agreed, "that delegates shall be annually appointed in such manner as the legislature of each State shall direct to meet in Congress on the first Monday in November, in every year;" whereupon, your committee are of opinion, that no State has right to empower its delegates to sit in Congress more than one year, under one appointment, and that the

year for which the said delegates of the State of Rhode Island were appointed, is expired.¹

The said report being this day brought in and read,

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight, that Congress proceed in the consideration thereof. And on the question to agree to that motion, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

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|-----------------------|----|------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Maryland,</i> | | |
| Mr. Foster, | no | } no | Mr. Stone, | no | } no |
| Blanchard, | no | | Chase, | no | |
| <i>Massachusetts,</i> | | | <i>Virginia,</i> | | |
| Mr. Gerry, | no | } no | Mr. Hardy, | no | } no |
| Partridge, | no | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Lee, | no | |
| Mr. Sherman, | no | } no | Monroe, | no | |
| Wadsworth, | no | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | no | } div. |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } div. |
| Mr. Beatty, | no | } no | Beresford, | no | |
| Dick, | no | | | | |
| <i>Pennsylvania,</i> | | | | | |
| Mr. Mifflin, | no | } no | | | |
| Montgomery, | ay | | | | |
| Hand, | no | | | | |

So it passed in the negative.

Ordered, That to-morrow be assigned for the consideration of the report of the committee of qualifications.

A motion was then made by the delegates for New York, in the words following:

Whereas the legislature of the State of New York have instructed their delegates in Congress as follows, to wit:

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 23, folio 247. Papers relating to qualifications of members from Rhode Island are on folios 251-259.

“Whereas upon the conclusion of a general peace between the several belligerent powers in Europe and these United States, the posts at present occupied by the british troops in the northern and western parts of this State, will be evacuated by them, and may be seized by savages inimical to these United States, whereby the inhabitants of the frontiers may be exposed to great danger and distress: And whereas by the sixth Article of the Confederation and perpetual Union between the United States of America, it is declared, “That no body of forces shall be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State,”

Resolved, therefore, That the delegates of this State in Congress be, and they are hereby instructed to represent to the United States in Congress assembled, that this State deem it essentially necessary to make provision to garrison the said posts immediately on the evacuation thereof by the british troops: that therefore the said delegates request the United States in Congress assembled, to declare the number of troops which they may deem necessary for such garrisons. The said delegates at the same time informing the said United States, that it is the opinion of this legislature, that a body of troops not exceeding five hundred rank and file, properly officered, would be adequate for the purpose aforesaid; which request was accordingly made by the said delegates.

And whereas it is a manifestly just construction of the said section and articles, that when the sovereignty of any State shall deem it necessary, in time of peace, to garrison forts for its defence, the troops are to be raised by and at the expence of such State, and that the number only is to be determined by the judgment of the United States in Congress assembled.

Resolved, therefore, That the application aforesaid was, and is constitutional and reasonable, and that the legislature of this State had, and have a right to a decision thereupon. That it appears by despatches from the delegates of this State, that no such decision was made on the 9th day of this present month. That the proceedings of this legislature have already been greatly embarrassed for want of such decision; and as it is uncertain when the said United States will decide on the said request, and any further delay in prosecuting measures for the preservation of the fortresses on the frontiers of this State, and the protection of its citizens, will be highly detrimental to this State:

Resolved, therefore, further, That the delegates from this State be instructed to inform Congress, that the legislature cannot, consistent with the public safety, any longer delay measures for raising a body of troops for the purposes aforesaid; that such number will not exceed that stated in the said recited resolution, as in the opinion of the legislature adequate to the purpose. That the said delegates do, without delay, press upon the said United States in Congress assembled, the just right of this State to the determination aforesaid, and intreat that it may be given without further delay."

The delegates for the State of New York, in obedience to the aforesaid instructions, move that it be resolved,

That for the purpose of garrisoning the forts within the State of New York, necessary for the defence thereof, the said State be allowed to keep up a body of troops or forces not exceeding five hundred rank and file, properly officered. And on this the said delegates require the yeas and nays.¹

¹ The New York motion is in the *Papers of the Continental Congress*, No. 20, I, folio 405. It was referred to Mr. [Thomas] Stone, Mr. [Edward] Hand, Mr. [Jacob] Read, Mr. [John Francis] Mercer and Mr. [John] Beatty.

A letter of April 26, 1784, from Mesheck Weare, the President of New Hampshire, was read, according to the indorsement. It is in No. 64, folio 246.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, that the motion of the delegates of New York be committed.

And on the question for commitment, the yeas and nays being required by Mr. [Charles] De Witt,

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|-----------------------|----|-------------|----|------------------------|----|-----------------|----|
| <i>New Hampshire,</i> | | | | <i>Maryland,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Stone, | ay | } | ay |
| Blanchard, | ay | | | Chase, | ay | | |
| <i>Massachusetts,</i> | | | | <i>Virginia,</i> | | | |
| Mr. Gerry, | ay | } | ay | Mr. Hardy, | ay | } | ay |
| Partridge, | ay | | | Mercer, | ay | | |
| <i>Connecticut,</i> | | | | Lee | ay | | |
| Mr. Sherman, | ay | } | ay | Monroe, | ay | | |
| Wadsworth, | ay | | | <i>North Carolina,</i> | | Mr. Williamson, | ay |
| <i>New York,</i> | | | | Spaight, | no | | |
| Mr. De Witt, | no | } | no | <i>South Carolina,</i> | | | |
| Paine, | no | | | Mr. Read, | ay | } | ay |
| <i>New Jersey,</i> | | | | Beresford, | ay | | |
| Mr. Beatty, | ay | } | ay | | | | |
| Dick, | ay | | | <i>Pennsylvania,</i> | | | |
| <i>Pennsylvania,</i> | | | | Mr. Mifflin, | ay | } | ay |
| Mr. Mifflin, | ay | Montgomery, | ay | Hand, | no | | |
| Montgomery, | ay | Hand, | no | | | | |

So it was resolved in the affirmative.

FRIDAY, MAY 14, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina.

A letter, of 26 April, from President Weare, of New Hampshire, was read, enclosing a return of the number of dwelling houses, the number of barns and other buildings, and the number of acres of land in the several towns and places in the said State.

The Committee [Mr. Edward Hand, Mr. Thomas Stone and Mr. Ephraim Paine] to whom was referred a letter from H. Hamtramck setting forth the embarrassments he labours under, from his attachment to the American cause and praying that Captain Vandeburgh, and himself who have been particularly recommended by the late Commander in Chief and Inspector General may be employed on the Peace Establishment, report that the same be read in Congress and filed in the Secretary's office.¹

The Committee [Mr. Edward Hand, Mr. Thomas Stone and Mr. Ephraim Paine] to whom the memorial of Benjamin Harwood praying that compensation may be made him as a commissioner on the part of the United States for indorsing the bills of credit emitted by the State of Maryland in pursuance of an act of Congress of the 18th March, 1780, and that the continental loan officer of the State of Maryland be directed to pay such allowance out of the four tenths of the bills aforesaid remaining in his hands subject to the order of Congress.

Your Committee find that by a resolution of the 25th July, 1785, an allowance of one dollar and one third of a dollar was made to each person appointed to sign and number continental bills for each and every thousand bills signed and numbered by him. That on the 30th June, 1780, Thos. Harwood and Benjamin Harwood, Esqs., were appointed Commissioners on the part of the U. S. either of them to endorse the bills to be emitted by the State of Maryland pursuant to the resolution of Congress of the 18th day of March preceding.

They therefore submit the following resolve:

Resolved, That the Continental Loan officer of the State of Maryland be and he is hereby authorized to pay B. Harwood, Esq., on account of the United States out of the bills of credit to be emitted by the State of Maryland pursuant to the resolution of Congress of the 18th March 1780 at the rate of one dollar and one third of a dollar for every thousand bills, signed by him in consequence of the resolution of Congress of June 30th 1780.²

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, III, folio 15². The indorsement states that it was read on this day. Hamtramck's letter is in No. 78, XII, folio 335.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, III, folio 73. The indorsement states that it was read on this day.

The Committee consisting of M^r [Thomas] Jefferson, M^r [Jacob] Read and M^r [Hugh] Williamson, to whom was referred the letter of the 13th April, 1784, from the Superintendant of Finance inclosing the Copy of a letter of the 16th March from Oliver Pollock agent for the United States at the port of Havanna and the representation of M^r Robert Totten of the 27th February, 1784, relative to the ill Treatment of the American Merchants and others trading at the Havanna Report,

That from an attentive View of the Transaction as related in the said letter of the 27th Feb^r from M^r Robert Totten, the Committee are of opinion that a very indelicate and violent execution of a measure which might in itself have been necessary in order to remove foreigners from the Island of Cuba has taken place at the Havanna. Your Committee cannot but consider the sudden arrest without any previous notice to withdraw themselves, and indiscriminate imprisonment in a common dungion (with felons and persons of the vilest condition) of Merchants and men of Character, Citizens of the United States and who were resident at the Havanna by permission ~~of government~~, to solicit and receive monies due from the Spanish Government and the subjects of Spain, as an insult too serious to be overlooked or submitted to by a free people.

Your Committee cannot allow themselves to believe that such measures have been authorized by the Court of Spain of whose friendly disposition a striking proof has lately been given in receiving the Minister charged with the affairs of the United States at that Court.

The Committee therefore recommend that copies of the letters referred to be transmitted to the Minister of the United States at the Court of Madrid, who is hereby required to make a proper representation to his most Catholic Majesty of the outrage complained of, and the conduct of his Governour of the Havanna towards the Citizens of the United States lately residing in the Havanna. And to express to his said Majesty that Congress do not doubt but that the most ample satisfaction will be given on the present occasion and orders to prevent in future all such violences towards any Citizens of these United States who may be thrown by stress of weather or otherwise into any port, Colony, Island or plantation of his Majesty it being the earnest and sincere wish of Congress to

preserve that harmony which at present so happily subsists between the two nations uninterrupted and inviolate.

Your Committee are of opinion that a Commercial agent for the United States at the Havanna is unnecessary in the present State of the Trade between these States and the Island of Cuba, and recommend that the Superintendant of Finance do inform M^r Oliver Pollock that Congress dispense with his services as commercial agent from the United States at the port of Havanna from and after the first day of July next.¹

SATURDAY, MAY 15, 1784.

Congress assembled: Present as yesterday.

Congress proceeded in the consideration of the report of the committee of Qualifications as entered on the 13th of this month; and a division being called for by Mr. [Arthur] Lee,

On the question to agree to the first clause, to wit: That no State has right to empower its delegates to sit in Congress more than one year, under one appointment:

The yeas and nays being required by Mr. [David] Howell, Resolved in the affirmative, every member answering ay.

On the question to agree to the second clause, to wit:

“And that the year for which the said delegates of the State of Rhode Island, were appointed, is expired.”

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 23. The indorsement shows that it was read on this day. It was among the reports referred to the Committee of the States, and was read in that committee July 9, and referred to Mr. [Francis] Dana, Mr. [Edward] Hand and Mr. [William] Houstoun. The letter of the Superintendent of Finance is in No. 50, folio 425. A duplicate is in No. 137, III, folio 877.

On this day, as the indorsement indicates, the Memorial of Fleury Mesplet was referred to the Committee of the States; read in committee July 26 and ordered to lie. It is in the *Papers of the Continental Congress*, No. 41, VI, folio 337.

The yeas and nays being required by Mr. [David] Howell,

| | | | | | |
|-----------------------|----|--------|------------------------|------------|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } div. | <i>Maryland,</i> | | } ay |
| Partridge, | no | | Mr. Stone, | ay | |
| <i>Connecticut,</i> | | | Chase, | ay | |
| Mr. Sherman, | no | } no | <i>Virginia,</i> | | } ay |
| Wadsworth, | no | | Mr. Hardy, | ay | |
| <i>New York,</i> | | | Mercer, | ay | |
| Mr. De Witt, | ay | } div. | Lee, | no | |
| Paine, | no | | Monroe, | ay | |
| <i>New Jersey,</i> | | | <i>South Carolina,</i> | | } ay |
| Mr. Beatty, | ay | } div. | Mr. Read, | ay | |
| Dick, | no | | | Beresford, | ay |

So the question was lost.

The Committee [Mr. Edward Hand, Mr. Thomas Stone and Mr. Ephraim Paine] to whom were referred the Memorial of Captains De Marcillin and le Roy, foreigners, Lieutenants in the late Pennsylvania Line, praying that they may be allowed to receive the interest of the sums owing to them as officers in the said Line in France, and a letter from B. Genl. R. Humpton on the same subject.

Report, that from the papers referred to them it appears that Captains De Marcillin and Le Roy are foreigners, that they are about to return to France their native country, that they do not desire any advances on account of the pay owing to them and only request the indulgence of receiving the interest which may become due to them respectively in France, which has been generally granted to foreign officers.

Your committee are of opinion that the request of the aforesaid gentlemen is not unreasonable and submit the following resolve.

Resolved, That the instruction of the 3rd day of February last to the Superintendent of Finance in favour of certain foreign officers be considered by him as extending, and it is hereby extended to

Captains De Marcillin and Le Roy Lieutenants in the late Pennsylvania line.¹

The Committee consisting of M^r [Roger] Sherman, M^r [William] Ellery and M^r [George] Partridge to whom was referred a letter from General Hand of the 19th of April, 1784, stating that he has incurred heavy expenses by having seperate commands on the frontiers of Virginia, Pennsylvania, and New York, and also while he executed the office of Adjutant General, and praying that the Paymaster General may be ordered to credit him for the pay and emoluments of a general officer, commanding in a seperate department during his command at the said posts, and such allowance for extra services and expences as Adjutant General as shall appear just and reasonable,

Beg leave to report,

That it does not appear that any general provision has been made by Congress for additional pay or emoluments to a general officer commanding at a seperate post, except the resolution of the 16th of June, 1775, allowing double pay to a Major General when acting in a seperate Department for his pay and expences, but by special resolutions like allowances have been made to brigadiers commanding a seperate army, ~~in Canada, South Carolina and Georgia and in some other instances~~ and in some cases particular grants have been made to officers for extra services and expences according to the circumstances attending their particular cases. But it does not appear that any such allowance has been made to other officers, who have commanded the aforesaid posts on the frontiers of Virginia and Pennsylvania, and to grant it in this case would open a wide door for other applications—But as General Hand commanded at Fort Pitt more than a year, and some short time at Wyoming and Albany, whereby he incurred greater expence, than if he had been with the Main Army, and he having also incurred extra expences in the office of Adjutant General by removing with the Main Army from New Jersey to Virginia in the year 1781, your committee are of opinion, that he is equitably entitled to some compensation, and thereupon submit the following resolution:

Resolved, That General Edward Hand be allowed one thousand dollars in full compensation for his extra expences while he com-

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, III, folio 541. The indorsement states that it was read on this day. Humpton's letter is in No. 78, XII, folio 331.

manded at Fort Pitt and separate posts, and in the office of Adjutant General and the Paymaster General is hereby directed to give him credit for said sum in the settlement of his account with the United States.¹

The Committee [Mr. Hugh Williamson, Mr. Arthur Lee and Mr. George Partridge] to whom were referred a letter of the 28th July, 1783, from the Superintendent of Finance, enclosing a letter from the Paymaster General in answer to complaints touching the payment made to the troops, at the time they were furloughed on June last, beg leave to report:

That general orders for furloughing a considerable part of the Army on the 2nd of June, appear to have been carried into execution between the 6th and 14th of that month, but the Financier's notes for making three months pay of February, March and April, did not arrive in Camp 'til on the 15th of June. But it does not appear that any notice was given to the soldiery that the notes would be paid them at a certain time: or such information to those who were to furlough the troops of the time when the notes would be expedited as might have prevented them from furloughing the troops 'till the notes were distributed.

In consequence of these omissions, the soldiers seem to have been made the prey of a most culpable collusion between the regimental paymasters and the camp sutlers, who had taken such effectual measures for imposing upon the ignorance and wants of the troops, that they had obtained receipts from almost every officer and private, previous to their having been furloughed, for the whole of their three months advance.

Though at present Congress cannot order any legal prosecution against these offenders, yet they may be held up to public shame. Your committee recommend the following resolution.

~~Resolved, That the Paymaster general be directed to publish this report in the newspapers of the Eastern states, together with the names of the regimental paymasters and camp sutlers who were concerned in the above transaction.~~

Resolved, That the Paymaster Gen^l be directed to return to Congress or to a Committee of the States, the names of the regimental pay-

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, III, folio 25. The indorsement states that it was read this day. Hand's letter is in No. 41, IV, folios 238 and 250.

masters and camp suttlers, who were concerned in the above transactions: and that the same be ordered to be published in the Eastern newspapers together with the above report.¹

The Committee consisting of M^r [Roger] Sherman, M^r [Arthur] Lee and M^r [Edward] Hand, to whom was referred a letter from Oliver Wolcott and Richard Butler, Esq^{rs}, two of the Commissioners for treating with the Indians dated the 29th of April last, having duly considered the several matters therein contained, and inspected the estimate of articles, therein referred to, amounting to about ten thousand and seven hundred dollars,

Report as their opinion that the said articles ought to be immediately procured, and that in order to give success to the negotiations with the Indians, it will be indispensibly necessary to march a sufficient number of troops, as soon as possible to take possession of the forts of Niagara and Detroit and Fort M^cIntosh on the Ohio, and that it be left to the discretion of the Commissioners to hold the treaties at such of those posts, or elsewhere as they may think best.

That the Superintendant of Finance be directed to take order for procuring the goods contained in the said estimate; and also for furnishing such additional goods, for the said treaties, as may be applied for, under the restriction of the resolution of _____ by the Commissioners appointed to negotiate with the Indians, or any two of them.²

[Motion respecting the Credentials and election of the Delegates from Rhode Island.]

Whereas it appears by the Credentials of the Delegates from the State of Rhode Island that they were elected on the _____ of _____ to serve one year in Congress and without any mention in the said Credentials when the year should commence, and whereas the confederation directs that annual elections shall be made of Delegates to serve in Congress, to take their seats on the 1st monday in November annually;

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, IV, folio 431. The indorsement states that it was read on this day and July 22, 1784, read in the Committee of the States and ordered to lie.

² This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, VI, folio 587. The indorsement states that it was read on this day. Wolcott and Butler's letter is in No. 78, XXIV, folio 467. The indorsement gives the committee as Mr. [Thomas] Jefferson, Mr. [Roger] Sherman and Mr. [Arthur] Lee.

commerce upon the terms usual with Nations and people in amity with each other and desirous of promoting reciprocal convenience and advantages. Witness _____ President of the U. S. in Congress assembled, and _____ of the said State of _____ this day of _____ in the year of our Lord 17 _____ and the _____ of the Independence of the U. S.

That a sufficient number of such instruments, signed and sealed as aforesaid be sent to the Supreme Executives of the several States and the Governor or President of any of these States may on application of any Citizen of these States being owner in part or in whole of a vessel, fill up, sign and deliver to such owner one of the said Instruments, provided that before such instrument shall be so delivered, the person applying for the same shall give bond and security to the Governor or President of the State and to his Successors in said office, to return the same instrument within _____ Months after its Date to the Executive of the State.

That for every Instrument so delivered the sum of _____ be paid by the person applying for the same to the Secretary of the Governor, President or Executive of the State where such instrument shall be granted.

That a Copy of these resolves with several of the Passports be sent to our Ministers in Europe, to be, by them if judged expedient, transmitted to the Emperor of Morocco and the Regents of Algiers, Tunis, and Tripoli and that these powers be requested to direct their Officers and other subjects not to molest any vessel furnished with these passports.

That Captain Pardon Shelldon be furnished with ~~one of these agreeably to the above form, except the naming the government of Rhode Island.~~ a Passport signed by the President only and sealed with the seal of U. S. Bond and Security being first given to the President for a return of the same Passport into the Secretary's office within the time above mentioned.¹

¹ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 32, folios 127-133. The indorsement states that it was read on this day.

MONDAY, MAY 17, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

Mr. Hugh Williamson, and Mr. Richard Dobbs Spaight, delegates for the State of North Carolina, produced credentials under the great seal of the State, dated the 24 day of April, 1784; by which it appears, that they are appointed to represent the said State for one year, to commence from the thirteenth day of this present month, May.

STATE OF NORTH CAROLINA

TO HUGH WILLIAMSON AND RICHARD DOBBS SPAIGHT ESQUIRES
GREETING:

We reposing especial trust and confidence in your fidelity and abilities do by these presents nominate, constitute and appoint you the said Hugh Williamson and Richard Dobbs Spaight to be delegates to represent us one Year in the honorable the Congress of the United States of America, to commence from the thirteenth day of May next, being elected for this purpose by joint ballot of both houses of our general assembly now sitting at Hillsborough. You are hereby invested with all the powers & authorities which Delegates have a right to exercise, conforming to such instructions you may receive from our General Assembly: having, holding & enjoying all the profits & emoluments which to your Delegation belong, or of right appertain.

In Testimony whereof we have caused these our Letters to be made patent. Witness Alexander Martin Esquire our Governor Captain General and commander in chief under his hand & our great Seal hereunto affixed at Hillsborough the 24 Day of april 1784, and eighth Year of our Independence.

ALEX: MARTIN

(With the great seal appendant)¹

¹The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

On motion of the delegates of Pennsylvania,

Ordered, That the Secretary transmit to the supreme executive council of the State of Pennsylvania, all the papers relative to the case of Henry Carbery, which are on the files of Congress; and that the Secretary in the War Office deliver to the said Executive, such papers relative to the said Henry Carbery, as are in his possession.¹

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson and Mr. [Hugh] Williamson, to whom was referred a letter of 21 of April, from the hon^{b^{le}} the Minister plenipotentiary of France,

Resolved, That the following answer be returned:

SIR,—The United States in Congress assembled, are informed by the letter which you were pleased to address to them the 21 of April, that having the last year requested of his Majesty, leave to return to France, you learn it has been granted, but that the official letter of the Minister being lost, you expect a duplicate which will probably arrive in the Recess of Congress.

It is with great concern, Sir, that Congress receive this information, as it respects a Minister for whom they entertain the most perfect esteem.

From the time of your arrival in America, to the signing of the provisional treaty, the conduct of the war has been attended with numerous difficulties and perils, to surmount which, the joint efforts of the United States and of their great and good Ally have been necessary.

Congress consider it as a fortunate circumstance, that during that period, the affairs of his Most Christian Majesty, in this quarter, have been under the direction of an able and faithful Minister, whose anxiety to promote the views and essential interests of his Sovereign, has been ever attended with a laudable endeavour to reconcile them to those of his faithful allies. Without such a principle disposition it is evident, there could not have existed a concert of those measures which, by the Smiles of Providence, have brought to a happy hastened the conclusion of the late distressing ~~and ruinous scenes of~~ war.

¹ Schedule of the papers sent is in No. 38, folio 229.

~~Whilst you have on all occasions been ready to afford your support to the plans of Congress for promoting peace, they acknowledge with pleasure that your official conduct has ever been wise for the attainment of that desirable object.~~

The abilities of the Gentleman, who, as you are informed, is to be charged with the affairs of your department, and his thorough knowledge of the principles on which the alliance was founded, will, we doubt not, conspire to produce, on his part, such measures as will best promote the mutual interest of the two nations.

We now, Sir, bid you an Affectionate adieu, with the fullest assurance that you will be happy in the smiles and approbation of your royal Sovereign, and we sincerely wish that you may be equally so in an interview with your friends, and in your future engagements.¹

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson and Mr. [Hugh] Williamson, to whom was referred a letter of 21 of April, from the honourable the Minister of France, informing, that in the course of last summer he had requested his Majesty's leave to return to France, and had reason to believe it was granted, though he had not received official information; and that his Majesty had fixed upon M. de Marbois to be his Chargé des affaires with the United States,²

The Grand Committee consisting of M^r [Thomas] Stone M^r [Jonathan] Blanchard M^r [Elbridge] Gerry, M^r [David] Howell, M^r [Roger] Sherman, M^r [Charles] De Witt, M^r [Samuel] Dick, M^r [Edward] Hand, M^r [Samuel] Hardy, M^r [Hugh] Williamson and M^r [Jacob] Read, to whom were referred an act of the Legislature of Connecticut, and a letter from the Governor of Massachusetts respecting the expenses of that State in an expedition against the British force at Penobscot and other matters submit the following resolves.

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, II, folio 361.

² This paragraph was entered only in the manuscript Secret Journal, Foreign Affairs. The letter to Luzerne was entered in the public Journal and also in the Secret Journal, Foreign Affairs.

That all sums paid or contracted to be paid by any State from and after the 19th of April, 1775, to the conclusion of the late war, for services performed by State troops or militia in defence of any of the U. States, or for provisions ammuniton, waggons or supplies of any kind necessary for such troops or militia or for the transportation thereof, may when reduced to specie by the scale of depreciation of such State be charged to the United States, provided such troops or militia shall not have been less than ~~twenty~~ ten days in ~~actual~~ service, or shall have been drawn out to repel an actual invasion pursuant to the laws of the State, and that the pay and rations or subsistence of the officers and privates and also the proportion of commissioned and non commissioned officers to the privates, and of waggons or other articles shall not exceed the allowance stipulated for the continental army, at the time when such State troops or Militia were in service.

That the sums paid or contracted to be paid by the State of Massachusetts for armed vessels or transports employed and lost in the year 1779 in an expedition of that State against the British forces then at Penobscot, or for the hire of such of the said vessels and transports as were not lost, may when so reduced to specie be charged to the U. S. as aforesaid.¹

The Grand Committee to whom was referred a letter of the Governor of Massachusetts, of the 28th of October, 1783, relative to the Continental Bills of credit of the old emissions, submit the following:

Resolved, That all sums of Continental bills of credit *paid by or to any State*, on account of the United States, shall be credited or debited in account, according to the specie value of such bills at the time of payment, as settled by the legislature of the same state, in their table of depreciation formed for the use of their state; and where none such has been formed, an average shall be taken from those of the states adjoining, wherein such tables have been formed: on which payments an interest shall be allowed at the rate of six per centum per annum from the time of paiment.

¹ This report, in the writing of Elbridge Gerry, except the first sentence which is in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 20, I, folio 164. The indorsement states that it was read on this day and Monday, 24th, assigned for consideration.

That all such bills *now in the treasury* of any state, shall be credited to such state at the value they bore in specie, at the time they were received by the State, which value shall be settled by a table of depreciation as directed in the preceding resolution, for all the period of time comprehended in such depreciation table; and if the said bills were received after the last day to which such table descends, they shall then be credited at the rate at which they were actually purchased or received; or if not purchased or received at any particular rate, then at the market value of such bills within the State at the time, to be estimated on the best evidence which may be obtained: on which sums also a like interest of 6 per cent. per annum, from the time of receipt shall be allowed; and the affidavit of the Treasurer receiving the said bills shall be evidence of the time and rate at which they were received.

That all such bills *now in the hands of individuals* shall be redeemed at the same rates prescribed for those in the Treasury of their State. That the holders of such bills shall be at liberty to carry them to the loan officer of the United States within their State, who shall give them in Exchange for the same, a certificate expressing the sum in specie, which the United States owe in lieu thereof and the time from which it bears interest, which time shall be the 1st day of April, 1781, where the said bills were received before that day, and where received afterwards, the time of their actual receipt. The Loan officer shall require from the holder, the best evidence of the time of his receiving them which the nature of the case will admit, viz. That of circumstances and disinterested persons, where to be had and where not to be had, to his satisfaction, then resorting to the examination of the party himself on oath, and giving thereto so much credit as in his conscience he shall think it deserves; and in all cases of importance and difficulty shall associate to himself two honest and able persons to assist him in the examination and judgement. These certificates shall be funded and paid as the other debts of the United States; but no certificate shall be issued for a less sum than ~~thirty~~ twenty specie dollars.

That the Superintendant of Finance direct the form and mode of issuing the aforesaid certificates, and take order for destroying the Continental bills of credit brought in.

Passed in committee, May 7, 1784.¹

That Committee consisting of [Mr. Thomas Stone, Mr. Elbridge Gerry and Mr. James Monroe,] appointed [May 11] submit the following Report:

That the Reports in the File and schedule N^o 1. should be passed on previous to the adjournment of Congress.

That the reports in N^o 2. should be taken up, if time will permit, previous to the adjournment, but after the others have been considered.

That the Reports in N^o 3. should be referred to the Committee of the States, to take order, so as not to exceed the Powers delegated to seven of the U. States in Congress.

That the Reports in N^o 4 should be referred to the said Committee of the States to report.

That the Reports in N^o 5 should be referred to the consideration of the next Congress.

That the Reports in N^o 6. require no consideration, being rendered unnecessary by subsequent acts of Congress, or by an alteration of time and other circumstances.

That a similar arrangement should be made of matters in the hands of Committees who have not reported.

Your Committee having considered the fixed determination of Congress to adjourn on the 3rd June next, the short time which Congress now have to consider the matters requisite to be passed on before the adjournment; the impracticability of effecting this, unless debates are in a great measure dispensed with, or at least ~~greatly~~ reduced, and the injury that may result to the publick from not improving with assiduity the time preceding the adjournment, are of opinion that it will be necessary in this instance.

1st: To authorize the President to take the sense of Congress, for putting any question without debate when he shall [deem] it requisite.

2nd^{ly} To preclude every member from speaking more than once, or longer than the President shall judge necessary on any question,

¹ This report, in the writing of Thomas Jefferson, except the heading, which is in that of Thomas Stone, is in the *Papers of the Continental Congress*, No. 26, folios 481-482. The indorsement shows that it was read on this day, and Monday, May 24, assigned for consideration. A printed copy, except the last paragraph, is on folio 455.

provided the President shall adopt one rule to be equally applied to all the Members.

3^d To prevent more than two Members from speaking on one side of any question.

4th To finish on each day, every matter that shall be taken up, without regard to the usual time of adjournment.¹

Reports as filed by Committee of 17 April [May] in five Bundles. No. 1 should be passed on previous to adjournment.

1. Respecting the Western posts and the measures necessary to be adopted for taking possession of them.

passed May 28. 2. An Ordinance for putting the Office of Finance into Commission.

3. On Stille's queries, relative to settling accounts between the U. S. and individual States.

4. On the motion of Mr. Gerry respecting the accounts of Massachusetts.

5. On a letter of 21st April from the Minister of France.

passed May 29. 6. On the powers of the Committee of the States.

7. On the reduction of the Civil list.

New report. 8. On Mr. Dumas's affairs.

9. On a letter of the 16th April, from the Governor of New York.

10. On Indian affairs in the Southern Department.

11. On Ordinance for ascertaining the mode of locating and disposing of Lands in the Western territory.

12. On the report from the Office of finance, respecting the affairs of Mr. Cazcau.

No. 2. should be taken up if time will permit, previous to adjournment, but after the others have been considered.

1. On the Memorial of Jacob Weize, stating that while he acted as Deputy Quartermaster General he was employed in various extra-official duties, and desiring additional pay.

2. On the Memorial of Capt. Phelon, a wounded officer, praying additional relief.

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 199. The indorsement states that it was read on this day, and May 18th assigned for consideration; and a second indorsement is as follows: "Not to be acted on by the Committee of the States and referred to Congress." Committee Book, No. 186, gives the members of the committee, and the date of their appointment as May 11.

3. On the petition of Lieut. Palmer Cady for a Commission.
 4. On the Memorial of Dr. Wright, a wounded Surgeon, praying relief.
 5. On the memorial of Brigadier General Jackson.
 6. On the Motion of the Delegates for Rhode Island.
 7. On the petition of Colonel B. Livingston.
 8. On the report of S[uperintendent] F[inance] respecting military Stores.
 9. On the letter of Mr. A. Lee.
 10. On a letter from General Hand.
 11. On a letter from Minister of France, respecting Baron de Kalb.
 12. On the memorial of Capt. Thacker—wounded.
 13. On a letter from President Dickinson, respecting the amicable settlement of bounds between Virginia, Pennsylvania, &c.
-

No. 3 should be referred to Committee of the States, to take order; so as not to exceed the power delegated to seven States in Congress.

1. On letter 13 December, 1783, Joseph Reed, requesting testimonials of his Conduct.
2. On letter 13 April, 1784, Sup: Finance, inclosing a letter from O. Pollock relative to imprisonment of Americans at Havanna.
3. On motion of Mr. Read for granting Commission of Lt. in the navy to Mr. Morant.
4. On letter 29 Novr. 1783, from War Office, respecting claim of Majors Beamont and Perkins.
5. On Motion respecting the irregularity of the Post.
6. On Letter from Brig. Gen. McIntosh, inclosing and referring to proceedings of Executive of Georgia against him.
7. On Motion of Mr. Howell respecting accounts of J. Flagg and J. Flagg, junr.
8. On Petition Fr^s Connolly, touching the capture by insurrection of a british Cruiser.
9. Upon letter from Supt. Finance, on Gen. Hazen's complaints against Mr. Pierce, P M G^l, with sundry papers relating thereto.
10. On letter 13 March, 1784, from Governor Hancock, inclosing petition of Col. Badlam, and resolves of Legislature of Massachusetts thereon.

11. On letter May 6, from Richard Humpton, inclosing Memorial of Messrs. Marcellin & LeRoy, praying payment in France of the interest of the dues.
12. On letter 28th July, 1783, from Sup: Finance, with Mr. Pierce's answer to the question why the troops furloughed did not previously receive their pay.
13. On Memorial of Col. Lamb, praying payment of arrears of subsistence.
14. On the conduct of Capts. Greene and Barney.
15. On letter 1st May, 1783, Sup: Finance, respecting goods imported.
16. Petition of Zebulon Butler and others, referred to a Committee May 7th, 1784.
17. On letter 3 Jany. 1784, Gen. Knox, with sundry returns, Viz: of Ordnance and military stores at West point, Troops retained in service, Cloathing wanting to complete them, Ordnance left by the British in New York, and of Canadian refugees who draw provisions from the public.

No. 4 should be referred to the Committee of the States to report.

1. On letter 23 Nov. 1783, from Minister of United Netherlands respecting the capture and condemnation of Sloop *Chester*—recommitted—and a second report on the same subject.
2. On measures to compel persons to account, who have recd. public money, together with instructions to T. Barclay, and a letter of Oct. 4 with sundry papers inclosed from the Superintendant of Finance.
3. Motion respecting sum to be drawn for the President's Household, with state of expenditure for support of the same in 1782, and the Steward's account.

No. 5 (two Bundles) should be referred to the consideration of the next Congress.

1st. Bundle.

- No. 1. Letter 23 Oct. 1783, from Supt. Finance, inclosing a letter from Mr. De Mercier, respecting the last will of Geo: Measum, and requesting the sense of Congress thereon.
2. Petition of John Halsted, late Dy. Cy. Gl. in Canada.
3. Report Supt. Finance on Memorial Philip White and report of Committee thereon.
4. On Memorial of Jas. Gamble, praying settlement of accts., &c.

5. Report 26 May on affairs of Vermont.
6. Letter 23 Oct. 1782, from T. Barclay, containing his acct. Current with the U. S. and other States; report of Committee thereon.
7. Report on letter 18 July for Superintendent of finance.
8. On Memorial James McMechan requesting reward for a mechanical invention.
9. Report on letter of Stacey Potts relative to manufacture of steel.
10. On letter 28th March from Secy. foreign Affairs.
11. On letter 28th Sept., 1781, from Supt. finance, on a rule for computing the value of bills drawn by Gen. Lincoln.
12. Petition of John Buhler—referred to the future consideration of Congress.
13. Memorial John Ross, praying that his accounts may be audited and settled, with several papers relating thereto—report of Committee thereon.
14. Letter March 17, 1783, Major Gen. Greene, concerning the pay and subsistence engaged by him to persons in the Q. M. G^l's Department. Report thereon.
15. Report on the request of the Delegates of R: Island respecting the accts. of Doctor Arnold, with papers relating thereto.
16. Mem^l Anth^y Hutchins in behalf of himself and other inhabitants of the Natches. Report of Committee thereon.
17. Letter from Capt. Finney, inclosing an acct., and praying reimbursement of travelling and other expences, while under cure of a wound. Report of Committee thereon.
18. Memorial of John Lucas, praying compensation for service, in receiving and examining claims of wounded soldiers and seamen. Report thereon.
19. Mem^l Jonathan Trumbull, praying depreciation for service as P M G^l northern department. Report of Committee thereon.
20. Letter from Col. Pickering relative to damages done on Lands by the Allied Army; Report of Committee thereon.
21. Report Sup: Finance, on petⁿ Nath Greenwood.
22. Petition Jas. Livingston (late Colonel) setting forth his losses by depreciation, &c., and praying compensation. Report of Committee thereon.
23. Report of S: Finance on his letter 27th August, 1783, and Mr. Bland's motion thereon—and Mr. H. Armistead's bond and certificate relative to bills of Exch: lost.

24. Motion Mr. Hamilton for extending the time for entering appeals from Judgments of maritime Courts; report thereon.
 25. Petition of moravian Indians and report thereon.
 26. Report Sup: Finance on Mem^l A. Lytle, together with documents thereon.
 27. Application of John Weiss for depreciation, and report of Committee thereon.
 28. Mem^l Mr. Platt, Brigade Major, &c., and report of committee thereon.
 29. Letter 5 March, 1784, Gen. Armand for passage in Ship *Washington*; report thereon.
 30. Letter 21st Jany 1784, Doct. W. Shippen, requesting allowance for travelling and other expences; report of Committee thereon.
 31. Report of Committee appointed to report a suitable district on Delaware for a federal Town.
 32. Report on letter, June 20th, 1783, and papers inclosed from Sup: finance, relative to certain proceedings of the State of Maryland.
- 2nd Bundle, No. 5.
1. Petition Phillips White, respecting the loss of lottery tickets by the robbery of the mail; referred to Superint^{at} to report.
 2. Mem^l Val: Echart with letter from Supt finance of 8 April, 1784, respecting it; and report of Committee thereon.
 3. Letter 28 July, 1783, from Secy. at War respecting money for erecting magazines in Virginia, with report of Committee thereon.
 4. Report 18 Feb. 1782, of Grand Committee, respecting New Hampshire grants.
 5. Report on Gen. St. Clair's letter of 1st January, 1783.
 6. On Mem^l J: Blake and other inhabitants of Canada, setting forth the losses and hardships sustained by them in the service of the U. S.
 7. Letter 16 July, 1783, General Washington on petition inclosed from officers of Hazen's Regiment—refugees from Canada—report thereon.
 8. Mem^l Hutchins and Elliott, respecting pay and emoluments; report thereon.
 9. Letter 15 Feby. 1783, W. Buchanan respecting his accts.; report thereon.

10. Letter 16 April, 1783, Secy. at War, on pay of dy. paymasters; report thereon.
11. Mem^l of A. Fowler, respecting lands due to him by grant for King of G: Britain, for service in America last War; report thereon.
12. Letters 25 Feb. and 23 Oct. 1783, E: Blaine, and report of Committee thereon.
13. Report on a letter supposed to be from J. Allen, Sup: Indian Affairs.
14. Letter 20 June, 1783, from T: Paine, relative to his intention of writing a history of the War; report of Committee thereon.
15. Resolve of the State of Virginia, respecting demolition of the works at York Town, &c., and report of Committee thereon.
16. Report on Jurisdiction proper for Congress in the place of their permanent residence, together with proceedings of inhabitants of Williamsburg relative to that subject.
17. Report upon the motion for reducing certain loan Office certificates.
18. Mr. Calvet's application through Dr. Franklin, and report of Committee thereon.
19. Letter 16 January, 1784, from Supt. finance, on claim of D. Sproat, for advances to naval prisoners; report of Commee. referred to another Commee. and report thereon.
20. Motion and report thereon, respecting Invalids.
21. Application Capt. J. Steel, Dy. Inspector So. Army, for allowance for travelling expences and services, and report of Commee. thereon.
22. Letter May 7, 1784, Capt. Hemstrenck, requesting to be appointed on the peace establishment, and report of Commee. thereon.
23. Letter 26 April, 1784, Secy. War Office, containing returns of Invalids, Prisoners, and of Garrison of Fort Pit.
24. Report on Motion of Mr. Ellery respecting the desire of Mr. Franklin to retire.
25. Report on the concurrent resolutions of the Assembly and Council of New York of 21st and 22nd July, 1782, for augmenting powers of Congress.
26. Reports on peace arrangement, together with several papers relating thereto, and an estimate of the public debt to 1st January, 1784, made by the Grand Committee.

27. Mem^l John Kirk, respecting rum seized by the public, with reports of Supt. Finance and Committee thereon.
28. Motion respecting the title of Ally and Father, given by Dr. Franklin to His M. C. Majesty.
29. Motion for an addition to the Articles of Confederation on the idea of future augmentation of the number of States, and report of Comm^{ee} thereon.
30. Report concerning the establishing a mint.
31. Report Supt. Finance on Mem^l W. Duer.
32. Letter, with sundry papers inclosed, from Supt. Finance, concerning Indian Boys at Princeton, and report of Comm^{ee} thereon.
33. Report on letter 23 Oct. 1783, from Supt. Finance, concerning the will of G. Measum.
34. Report on application of Benj: Harwood for pay for signing bills of credit.
35. Petition of David Woelper and report thereon.
36. Report on Mem^l from Navy Officers, covering said Mem^l

No. 6 require no consideration, being rendered unnecessary by subsequent Acts of Congress, or by an alteration of time and other circumstances.

1. Report on letter 4 March from Qr. Mr. Genl. respecting appointments in his department.
2. Letter from Pres^{dt} Weare; sundry papers relating to it, and report thereon.
3. Report of Comm^{ee} for arrangements, on the depart^{mt} of foreign affairs, and respecting the posts on the frontiers and within the U. S. possessed by the British.
4. Sundry reports and other papers respecting salaries of Ministers at foreign Courts.
5. Form of an Ordinance reported, prohibiting the purchase of Indian Lands.
6. Report on the report of a Committee to whom was referred a letter from Massachusetts, respecting half pay of Officers.
7. Report of Grand Comm^{ee} on a motion respecting old continental money.

8. Report on the most advisable means of securing the several claims of the U: S: not included in the Ultimatum.
9. Report on territorial claims.
10. Report of Instructions to Ministers respecting commerce.
11. On reduction of the Civil list and concerning War department.
12. On Communications from the Minister for negotiating a peace, with sundry motions on the subject.
13. Report recommending the annual appointment of Delegates to meet in Congress on the first Monday in November every year, and respecting Mr. Osgood.
14. Report on qualifications.
15. Report of Comm^{ee} appointed to revise the instructions to Mr. Jay.
16. Report respecting Mr. Osgood.
17. On a Treaty with Denmark.
18. Report of Comm^{ee} on Provisional treaty.
19. Report on dispatches from Ministers, in June and July, 1783.
20. Report of letters of Mr. Laurens, of 17th June, and W. Carmichael of 13 May, 1783.
21. Queries by B. Stille, with a number of papers having relation thereto.
22. Report of Comm^{ee} on Mr. Dana's letters.
23. On letter from Supt. Finance touching Exch: of Pris^{rs}
24. On a motion respecting Secrecy.
25. On Pet^a F. Rendon, covering Mem^l from Owners of Brig *Patty*.
26. Report respecting Lt. Col. Fleury.
27. Mem^l J. Nourse, praying increase of salary as Register, and report thereon.
28. Motion Mr. Bland for accepting the Cession of western territory from Virginia, and assigning a part thereof to the Army in lieu of Commutation, &c.
29. Report on Mem^l of Sergeants of Connecticut line, for Land.
30. On letter 18 Nov. 1781, from Secy. foreign affairs, respecting J. Temple, and salaries of Ministers.
31. Report of Grand Committee, on mode of carrying into execution the promise of land, made to the Officers and Soldiers.
32. Report of Comm^{ee} on the Qr. Mr. Genl's department.¹

¹ This list of reports, prepared by the committee appointed to examine the files of reports, was entered in Committee Book, No. 191, under date of May 25, 1784.

The grand Committee to whom was referred a letter from the Superintendant of Finance of the 29th April last are of opinion that it will be necessary to continue the Continental Loan offices in the several States for the purpose of paying the monies borrowed in said offices and the annual interest thereon, pursuant to the Act of Congress of the 3rd day of October, 1776. That all monies collected by the several States for the U. S. may likewise be paid into that office, and the other receivers be discontinued. The Committee thereupon submit the following resolves:

That from and after the 1st day of August next all monies collected in the several States for the Use of the U. S. shall be paid into the Continental loan office in said States respectively, and all other receivers of such monies shall be discontinued.

That Loan officers shall be appointed by the Legislatures or in their recess or by their consent the supreme Executives of the States respectively, but when so appointed shall be amenable to and removable by the U. S. in Congress assembled, or such officer or Board as shall have the management of the Finances of the U. S.

That no person shall be appointed to such office, who shall have neglected or refused to adjust his publick accounts or to pay the Balance due thereon to the U. S.

That the said Loan officers respectively be entitled to receive per cent on all monies that shall be brought into their respective loan offices in lieu of all claims and demands for transacting the business of said offices.

That the Receivers of Continental Taxes who have been appointed in the several States by the Superintendant of Finance, shall receive for their services a commission on the monies by them actually received for the U. S. at the rates heretofore fixed by the said Superintendant of Finance.

That with respect to the receipts taken by the loan officer in Connecticut for interest by him paid on Loan office certificates, it would have been more regular to have inserted the number of the certificate at the time of payment; but as the sum of money paid was endorsed on the certificates at the time of payment the Committee are of opinion, that the U. S. are secured against any further demand for the interest paid, and that said receipts may be

admitted as vouchers of the payment in settling the accounts of the Loan office.¹

The Committee of the week [Mr. David Howell, Mr. James Monroe and Mr. Abiel Foster] to whom was referred the Memorial of Joseph Kendall late Physician and Surgeon in the army and navy of the U. States, dated Annapolis May 12, 1784, and praying the appointment of Surgeon of one of the western Posts, or of one of the Regiments to be raised on the peace establishment, beg leave to report that said Memorial be placed on file in the Secretary's office.²

TUESDAY, MAY 18, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland and Virginia; and from the State of North Carolina, Mr. [Hugh] Williamson, and from South Carolina, Mr. [Richard] Beresford.

~~A motion being before the House and Mr. Howell rising to speak, he was called to order and the Congress was called upon to determine on this question.~~

~~Is Mr. Howell in order to speak as a Member of Congress.~~

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Samuel] Hardy, as follows:

“Whereas it is ~~expedient~~ necessary to expedite the holding treaties with the Indian nations, which it appears cannot be done but under the protection of an armed force;

¹ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 29, folio 209. According to the indorsement it was read on this day and “Monday, May 24, assigned for consideration.”

The letter of the Superintendent of Finance is in No. 137, III, folio 561.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 32, folio 555. The indorsement states that it was agreed to on this day.

The memorial of Joseph Kendall, as the indorsement indicates, was filed this day. It is in No. 41, V, folio 41.

Also, a letter of 17 May from John Beatty. It was referred to Mr. [Hugh] Williamson, Mr. [Thomas] Stone, and Mr. [Roger] Sherman, and recommitted to Mr. [David] Howell and Mr. [Rufus] King. It is in No. 78, IV, folio 441. Committee Book, No. 186, says, “See 18 April, 1785.”

Therefore Resolved, That the Secretary in the War Office be directed, and he is hereby directed, to order three hundred men to be in readiness to march when and to what place or places the commissioners for negotiating with the Indians, or any two of them, shall direct; and that the commanding officer of the said troops give such protection to the ~~negotia-~~
~~tors~~ commissioners as they, or any two of them, shall require. And that the said secretary give order to the different keepers of the public stores, to furnish to the order of the Commissioners, or any two of them, such tents, marquees and other articles, as the said Commissioners shall think proper.

Resolved, That the Superintendent of finance take order for purchasing and transmitting the articles necessary for the Indian treaties, (according to a list hereunto annexed,) to such places as the Commissioners appointed to negotiate with the Indians, or any two of them, shall direct. That he furnish such additional articles, not exceeding the sum of
dollars, as the said commissioners shall order, and that he contract with such persons as he may think proper, to furnish sixty thousand rations for the Indian treaties, at such places as the Commissioners or any two of them shall direct, together with such things as shall be necessary for the expences of the said Commissioners during the negotiation.

Resolved, That the commissioners for negotiating with the Indians, or any two of them, being a majority of those present, be empowered to do the business of the commission, and to appoint a secretary, Messengers, interpreters, Store-keepers, and such artificers as they may find necessary, and to agree with them for their pay, for which they shall draw warrants on the treasury.”¹

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, IV, folio 87.

Mr. [David] Howell rising to speak to this motion, was called to order by Mr. [John Francis] Mercer; and he having sat down, the following question was put to the house:

Is Mr. [David] Howell in order to speak as a member of Congress

On this the yeas and nays being required by Mr. [John Francis] Mercer,

| | | | | | |
|-----------------------|----|------|------------------------|------------------------|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } div. |
| Partridge, | ay | | Mr. Stone, | no | |
| Mr. Ellery, | ay | | Chase, | ay | |
| Mr. Howell, | ay | | <i>Virginia,</i> | | } no |
| <i>Connecticut,</i> | | | Mr. Hardy, | no | |
| Mr. Sherman, | ay | } ay | Mercer, | no | |
| Wadsworth, | ay | | Lee, | ay | |
| <i>New York,</i> | | | <i>North Carolina,</i> | | } * |
| Mr. De Witt, | ay | } ay | Mr. Williamson, | no | |
| Paine, | ay | | | <i>South Carolina,</i> | |
| <i>New Jersey,</i> | | | Mr. Beresford, | no | |
| Mr. Beatty, | ay | } ay | | | |
| Dick, | ay | | | | |

The votes of Mr. [William] Ellery and Mr. [David] Howell, on behalf of the State of Rhode Island, were objected to.

The Committee [Mr. Edward Hand, Mr. Roger Sherman and Mr. John Beatty] to whom was referred a memorial of Samuel Prentice late a Lieutenant Colonel in the Continental line of the State of Connecticut, praying that he may be allowed the difference of pay and rations between the rank of Lieutenant Colonel and Lieutenant Colonel Commandant during the time he commanded the 1st Connecticut regiment agreeably to what he conceives to be the practice of the Army, beg leave to report—

That the Memorial of Samuel Prentice be referred to the Pay Master General to report.¹

The Committee of the Week [Mr. Richard Dobbs Spaight, Mr. James Wadsworth and Mr. George Partridge] report that the petition of Edward V. Brown praying for the settlement and payment of his accounts for bread and flour supplied the Navy Board, be referred to the agent of Marine ~~to take order~~

That the memorial of John Bradford praying that the debts contracted by him as agent for the United States in the Marine Department may be discharged, or that his estate may be protected against suits brought for such debts, be committed.

That the Petition of Joseph Nourse praying for an additional grant for extra services in his office be referred over to the next Congress.

That the Petition of Col. B. Johnson praying for a settlement of his accounts against the United States for bombs shells supplied the Commissary of Military Stores be referred to a Committee.²

Committee of the Week [Mr. Richard Dobbs Spaight, Mr. James Wadsworth and Mr. George Partridge] report that the petition of Danl. Waters and others late officers of the Marine praying that they may be allowed for the depreciation of their pay whilst in the public service be referred to the agent of Marine to report.

That the petition of W^m Smith and others in behalf of the trustees of the public school at Wilmington praying that the damages done to their school house, by its being improved [employed] as a public hospital, may be paid to them—lie on the Table.

That the petition of F. Cazeau praying that an order may pass to enable him to receive the benefit of an Act of Congress of the 18th March last in his favor, lie on the table till the report of a committee on that subject shall be considered.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 19, V, folio 213. The indorsement states that it was entered this day.

² This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 549. It is undated, but doubtless belongs to this period.

~~That the petition of Robert Shewell praying that justice may be obtained for him in the case of the brig *Le Amiable Elizabeth's* being siezed upon and disposed of by Nicholas Gill, Esq., commissary and judge of the Vice Admiralty at Newfound Land be referred to the Committee of the States.¹~~

The Committee of the week [Mr. Richard Dobbs Spaight, Mr. James Wadsworth and Mr. George Partridge] to whom was referred the memorial of William Millar, late Captain Lieutenant in the 1st Reg^t of Artillery commanded by Col. Charles Harrison, setting forth that at the time three months' pay was issued to the army he was not present, and by reason of certain circumstances in his case, he cannot obtain the same without the interference of Congress, and praying for a special resolution in his favor, beg leave to report, that s^d memorial be referred to a special committee.²

The Committee of the week [Mr. Richard Dobbs Spaight, Mr. James Wadsworth and Mr. George Partridge] report that the letter from William A. Patterson May 4, 1784, praying that a Brevet of Major may be given him lie on the table.³

WEDNESDAY, MAY 19, 1784.

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina.

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight, in the words following:

The votes of Mr. [William] Ellery and Mr. [David] Howell, on behalf of the state of Rhode Island, were objected to

¹ This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 551. It is undated, but doubtless belongs to this period.

² This report, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 32, folio 563.

³ This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 516. It is undated, but was made on this or an approximate date. Patterson's letter is on folio 513.

when the preceding question was put, as not being members of Congress, and that for the following reasons: The right of those gentlemen to represent the State of Rhode Island was stated in a report of the committee of Qualifications, entered on the journals on the 13th day of the present month, in the words following, viz. (here the report to be inserted) from which it appears that Mr. [William] Ellery and Mr. [David] Howell, claimed a right to sit and act as members of Congress, from an act of the legislature of that State, passed on the 22 of August, 1777, which act contains the following words, "that the delegates appointed, or who may be appointed, to represent this State in Congress be, and they, or either of them, are hereby empowered to represent said State in Congress, until they, or either of them, shall have due notice of their re-election, or until the delegates who may be appointed in their room shall take their seats in Congress, the act directing the election of the said delegates for one year, to the contrary notwithstanding:" and the said Mr. [William] Ellery and Mr. [David] Howell, affirming that the said act gave them a right under the Confederation to represent the State of Rhode Island, after a year from the time of their election as aforesaid had expired, so that they did not exceed the term of a year after first taking their seats in Congress. And the right of Mr. [William] Ellery and Mr. [David] Howell, to sit and act in Congress, depending on a construction of the said act of Rhode Island, and the Confederation and the fact that the year from the time of their appointment as aforesaid had expired on the day of May instant being agreed and admitted. And the question upon the report of the committee of qualifications under those circumstances being taken in Congress, four states voted against the construction affirmed by Mr. [William] Ellery and Mr. [David] Howell, two in favour of such construction,

and three were divided; and when the preceding question was taken, there appearing but seven states in the affirmative, including the State of Rhode Island, and the question from its nature involving the right of Mr. [William] Ellery and Mr. [David] Howell, to sit and act as members of Congress, who were the only persons answering for that State, the decision of Congress is required,

Whether the State of Rhode Island shall be entered on the journal as voting on the preceding question? ¹

A motion was made by Mr. [James] Monroe, seconded by Mr. [Arthur] Lee, to commit the foregoing motion; and on the question to commit, the yeas and nays being required by Mr. [Jonathan] Blanchard,

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } div. | Mr. Mifflin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry. | ay | } ay | <i>Maryland,</i> | | } ay |
| Partridge, | ay | | Mr. Stone, | ay | |
| Mr. Ellery, | no | | Chase, | ay | |
| Mr. Howell, | no | | <i>Virginia,</i> | | } ay |
| <i>Connecticut,</i> | | | Mr. Hardy, | ay | |
| Mr. Sherman, | ay | } ay | Mercer, | ay | |
| Wadsworth, | ay | | Lee, | ay | |
| <i>New York,</i> | | | Monroe, | ay | |
| Mr. De Witt, | ay | } div. | <i>North Carolina,</i> | | } div. |
| Paine, | no | | Mr. Williamson, | ay | |
| <i>New Jersey,</i> | | | Spaight, | no | |
| Mr. Dick, | ay | } * | <i>South Carolina,</i> | | } no |
| | | | Mr. Read, | no | |
| | | | Beresford, | no | |

So the question was lost.

¹ This motion, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, II, folio 387.

After debate, the foregoing motion was withdrawn, and the following motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Thomas] Stone,

The votes of Mr. [William] Ellery and Mr. [David] Howell, in behalf of the state of Rhode Island, on the question entered on the Journal in the following words: "Is Mr. [David] Howell in order to speak as a Member of Congress" having been objected to as not being members of Congress, and it being alleged that the question in its nature involved the question of the right of those gentlemen to act as members of Congress, and they being the only persons appearing to vote for the said State, the decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on that question.¹

A motion was made by Mr. [Jeremiah Townley] Chase, seconded by Mr. [Arthur] Lee, to postpone that motion, in order to take up the following:

The votes of Mr. [William] Ellery and Mr. [David] Howell, on behalf of the State of Rhode Island, being objected to when the preceding question was put,

Have Mr. [William] Ellery and Mr. [David] Howell a right to speak and vote as Members of Congress, after the following question, to wit: "That the year for which the said delegates of the State of Rhode Island were appointed is expired," had been taken on the report of the committee of qualifications, and lost as appears by the yeas and nays, to wit: (Here insert the yeas and nays.)

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Jeremiah Townley] Chase,

¹ This motion, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, II, folio 393.

| | | | | | |
|-----------------------|----|------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | ay | } no |
| Blanchard, | ay | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } div. |
| Partridge, | ay | | Mr. Stone, | no | |
| Mr. Ellery, | ay | | Chase, | ay | |
| Howell, | ay | | <i>Virginia,</i> | | } no |
| <i>Connecticut,</i> | | | Mr. Hardy, | no | |
| Mr. Sherman, | ay | } ay | Mercer, | no | |
| Wadsworth, | ay | | Lee, | ay | |
| <i>New York,</i> | | | Monroe, | no | |
| Mr. De Witt, | ay | } ay | <i>North Carolina,</i> | | } * |
| Paine, | ay | | Mr. Spaight, | no | |
| <i>New Jersey,</i> | | | <i>South Carolina,</i> | | } no |
| Mr. Beatty, | ay | } ay | Mr. Read, | no | |
| Dick, | ay | | Beresford, | no | |

So the question was lost.

A motion was then made by Mr. [Roger] Sherman, seconded by Mr. [John] Beatty, to strike out the following words, "it being alleged that the question in its nature involved the question of the right of those gentlemen to act as Members of Congress, and"

And on the question, shall those words stand the yeas and nays being required by Mr. [Thomas] Stone,

| | | | | | |
|-----------------------|----|------|----------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>New York,</i> | | |
| Mr. Foster, | no | } no | Mr. De Witt, | ay | } div. |
| Blanchard, | no | | Paine, | no | |
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | } no |
| Mr. Gerry, | no | } no | Mr. Beatty, | no | |
| Partridge, | no | | Dick, | no | |
| Mr. Ellery, | no | | <i>Pennsylvania,</i> | | } ay |
| Howell, | no | | Mr. Mifflin, | ay | |
| <i>Connecticut,</i> | | | Montgomery, | ay | |
| Mr. Sherman, | no | } no | Hand, | ay | |
| Wadsworth, | no | | | | |

| | | | | | |
|------------------|----|--------|------------------------|----|------|
| <i>Maryland,</i> | | | <i>North Carolina,</i> | | |
| Mr. Stone, | ay | } div. | Mr. Williamson, | ay | } ay |
| Chase, | no | | Spaight, | ay | |
| <i>Virginia,</i> | | | <i>South Carolina,</i> | | |
| Mr. Hardy, | ay | } ay | Mr. Read, | ay | } ay |
| Mercer, | ay | | Beresford, | ay | |
| Lee, | ay | | | | |
| Monroe, | ay | | | | |

So the question was lost, and the words were struck out.

The motion being amended to read,

The votes of Mr. [William] Ellery and Mr. [David] Howell, on behalf of the State of Rhode Island, on the question entered on the journal in the following words: "Is Mr. [David] Howell in order to speak as a member of Congress" having been objected to as not being members of Congress, and they being the only persons appearing to vote for the said State,

The decision of Congress is required, whether Rhode Island shall be entered on the Journal as voting on that question.

And on the question, the yeas and nays being required by Mr. [Jonathan] Blanchard,

| | | | | | |
|-----------------------|----|-------|----------------------|------------|--------|
| <i>New Hampshire,</i> | | | <i>New Jersey,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Beatty, | ay | } ay |
| Blanchard, | ay | | Dick, | ay | |
| <i>Massachusetts,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Mifflin, | ay | } no |
| Partridge, | ay | | Montgomery, | no | |
| Mr. Ellery, | ay | Hand, | no | | |
| Howell, | ay | | <i>Maryland,</i> | | |
| <i>Connecticut,</i> | | | Mr. Stone, | no | } div. |
| Mr. Sherman, | ay | } ay | Chase, | ay | |
| Wadsworth, | ay | | <i>Virginia,</i> | Mr. Hardy, | no |
| <i>New York,</i> | | | Mercer, | no | |
| Mr. De Witt, | ay | } ay | Lee, | ay | |
| Paine, | ay | | Monroe, | no | |

| | | | | | | |
|------------------------|----|---|----|------------------------|----|---|
| <i>North Carolina,</i> | | | | <i>South Carolina,</i> | | |
| Mr. Williamson, | no | } | no | Mr. Read, | no | } |
| Spaight, | no | | | Beresford, | no | |

So the question was lost.

THURSDAY, MAY 20, 1784.

Congress assembled: Present, the same states as yesterday, except Massachusetts, from which state Mr. [George] Partridge only was present.

Mr. John Stevens, a delegate for the State of New Jersey, attended, and took his seat in Congress.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs] Spaight, for the purpose of removing the names of Mr. [William] Ellery and Mr. [David] Howell from the Journal on the question taken the 19th instant by propounding a question; shall the names of Mr. [William] Ellery and Mr. [David] Howell stand, &c.¹

This was objected to by Mr. [Roger] Sherman and Mr. [George] Partridge as being out of order: And on the question, "is the motion in order" the yeas and nays being required by Mr. [Jonathan] Blanchard,

| | | | | | | |
|-----------------------|----|---|-------|---------------------|----|---|
| <i>New Hampshire,</i> | | | | <i>Connecticut,</i> | | |
| Mr. Foster, | no | } | no | Mr. Sherman, | no | } |
| Blanchard, | no | | | Wadsworth, | no | |
| <i>Massachusetts,</i> | | | | <i>New York,</i> | | |
| Mr. Partridge, | no | } | * | Mr. De Witt, | ay | } |
| <i>Rhode Island,</i> | | | | Paine, | no | |
| Mr. Ellery, | no | } | no | <i>New Jersey,</i> | | |
| Howell, | no | | | Mr. Beatty, | ay | } |
| | | | Dick, | no | | |

¹ Shall the names of Mr. [William] Ellery and Mr. [David] Howell stand on the Journal of Congress on the several questions taken in Congress on the 19th May instant? This motion, undated, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 391.

| | | | | | |
|----------------------|----|--------------|------------------------|----|------|
| <i>Pennsylvania,</i> | | | <i>Virginia,</i> | | |
| Mr. Mifflin, | ay | } ay | Mr. Hardy, | ay | } ay |
| Montgomery, | ay | | Mercer, | ay | |
| Hand, | ay | | <i>North Carolina,</i> | | } * |
| <i>Maryland,</i> | | Mr. Spaight, | ay | | |
| Mr. Stone, | ay | } div | <i>South Carolina,</i> | | } ay |
| Chase, | no | | Mr. Read, | ay | |
| | | | Beresford, | ay | |

So the question was lost.

FRIDAY, MAY 21, 1784.

Six states only attending; namely, New Hampshire, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina; and from Massachusetts, Mr. [George] Partridge; from Rhode Island, Mr. [David] Howell; from Maryland, Mr. [Thomas] Stone, and from North Carolina, Mr. [Hugh] Williamson; the President adjourned Congress till 10 O'clock to-morrow.

SATURDAY, MAY 22, 1784.

Four states only attending; namely, New Hampshire, Rhode Island, Connecticut and New Jersey; and from Massachusetts, Mr. [George] Partridge; from Pennsylvania, Mr. [Thomas] Mifflin; from Maryland, Mr. [Jeremiah Townley] Chase; from Virginia, Mr. [John Francis] Mercer; from North Carolina, Mr. [Hugh] Williamson, and from South Carolina, Mr. [Jacob] Read; the President adjourned Congress till Monday next.

MONDAY, MAY 24, 1784.

Mr. Francis Dana, a delegate for Massachusetts, attended, and produced Credentials, under the seal of the State; whereby it appears, that on the 11 day of February last, the said Francis Dana was elected a delegate to represent the said State in Congress, until the first day of November, 1784.

COMMONWEALTH OF MASSACHUSETTS.

[SEAL] By His Excellency John Hancock Esq^r Governor
of the Commonwealth of Massachusetts.

To all unto whom these Presents shall come . . . Greeting

Whereas the General Court of the Commonwealth aforesaid did on the Eleventh day of February last agreeable to the Constitution of said Commonwealth appoint the Honble Francis Dana Esq^r a Delegate to represent this Commonwealth in the Congress of the United States of America—

Now therefore Know Ye that I do by these Presents and in pursuance of the said Appointment Commission the s^d Francis Dana Esq^r to represent this Commonwealth in Congress & vest him with all & Singular the Powers & Authorities to the said Office or place of Delegate belonging by Virtue of the Constitution of this Commonwealth & the Appointment aforesaid. And to hold this Office until the first day of November 1784: And the said Francis Dana Esq^r is hereby required to observe the Instructions which from time to time shall be given to him by the General Court of this Commonwealth—

In Testimony whereof I have caused the Public Seal of the Commonwealth aforesaid to be hereto affixed— Witness John Hancock Esq^r Governor of the said Commonwealth—

Dated at Boston the Tenth day of March A^o Dⁱ 1784 and in the Eighth Year of the Independence of the United States of America—

JOHN HANCOCK.

By His Excellency's Command

JOHN AVERY, *Secretary*.¹

Congress assembled: Present, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina.

A letter, of this day, from Major General H. Knox, was read; Whereupon,

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

Resolved, That Congress approve of the proposition of Major General Knox, to send a ~~confidential~~ field Officer into Canada, for the purpose of ascertaining with precision and expedition the time when the posts within the United States now occupied by the british troops, shall be evacuated; and endeavouring to effect an exchange of the cannon and stores at those posts, agreeably to a resolution of Congress of the 12th of May instant.¹

A motion was made by the delegates of Virginia, seconded by the delegates of South Carolina, in the words following:

The delegates representing the states of Virginia and South Carolina, in the Congress of the United States, have maturely considered the report of the committee of qualifications on the case of Mr. [William] Ellery and Mr. [David] Howell, who claimed to represent the State of Rhode Island in Congress, which report is entered on the journal on the 13th day of the present month, and also the resolution reported by the said committee; whereon four states in Congress voted that the time of service of the said Mr. [William] Ellery and Mr. [David] Howell, had expired on the 7th instant, agreeably to the sense and letter of the Articles of Confederation, two states only voting in the negative, and three states being divided. They have given all due attention to the proceedings of Congress on the said case of Mr. [William] Ellery and Mr. [David] Howell, as they appear on the journals of the 15 instant, together with the facts, evidences and arguments adduced, as well by the said Committee, as by the said Mr. [William] Ellery and Mr. [David] Howell. And after full consideration of the same, they judge it to be their duty as members of the United States in Congress, and on behalf of the states they

¹ This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 36, IV, folio 93.

Knox's letter is in No. 167, folio 393.

represent, to object to and protest against the exercise of those sovereign powers delegated by the citizens of these states to the United States in Congress assembled, by the said Mr. [William] Ellery and Mr. [David] Howell, or either of them, as being persons unauthorised according to the Articles of Confederation. They contend that consistently with the invariable laws of reason, and the universal practice of representative bodies, all persons who claim to exercise jointly with others, the powers of government, must, if that claim is contested either when first offered, or at any time posterior thereto, show by what right they do claim: and more especially the said delegates do assert, that in a body constituted as Congress is, where sovereign states have agreed to invest persons chosen by other states, with the power of governing themselves respectively, and have designated by compact how those persons shall be constituted, each State ought to have, and has, an undoubted right to enquire, whether the rules laid down in that compact have been adhered to in the appointment of those persons; to whom, without the power of election or removing or punishing, they have submitted their dearest rights and interests. When such enquiry is made, and the powers of persons so contested, they do insist on it as a right, which no State ought or can of right be deprived of, to have such questioned powers clearly proved, and judicially established, before they shall be exercised. For otherwise the exercise would determine the question of the right. The said Delegates consider Congress as the only tribunal competent to decide on the right of persons claiming to act as members of their body. This is a power, which all legislative bodies invariably exercise, and which must of necessity reside in them alone. And they are decidedly of opinion, that to have such right established by Congress, an affirmative vote is indispensably requisite. A direct affirmation of a right in order to

establish it, is required by reason, and is used in practice; as on the contrary, to ground a right on an inference to be drawn from a proposition passed in the negative, is equally contradictory to reason and custom. A proposition not carried, determines nothing. How absurd then would it be to establish a right by a vote which determines nothing! They apprehend that to admit that one or two states may continue a representation in Congress, contrary to the opinion of a much greater number of states, who are decided that such representation is unauthorised by the Confederation, would be establishing a principle fraught with dangerous consequences to the Union, and justly alarming to the citizens thereof, who have right to expect that those, and those alone, whom they have constitutionally authorised to govern them, shall be admitted to exercise sovereign authority; who have a right to demand from their delegates to be defended and protected from such usurpation and violence. When the acts of the United States go forth as the acts of persons, whose right to govern is unimpeached, their validity will be unquestioned by the people. But when vitiated acts passed by the voice of persons whom a large majority of the members representing the Confederacy, consider as intruding into the councils of the Union, are issued, Obedience cannot be expected and ought not to be wished. If representations may be continued by the voice of one or two states, that check provided by the constitution, which directs that representatives in Congress shall exist there only by the voice of their constituents and the Confederation is lost; and suspicions may be excited among the people at large, that persons may, at some future period, by the act of a few designing members, be continued in Congress, to the destruction of the constitution and establishment of Oligarchy. On the contrary, they must observe, that to require an affirmative voice of the United States, to

establish the right of members, may possibly be productive of some delay of business, until states, advertised of the errors which vitiate their appointments, shall have time to rectify them. On this side they see a possible temporary inconvenience: but on the other they discover a certain and actual violation of the Constitution. Still however reduced, by the perseverance of Mr. [William] Ellery and Mr. [David] Howell, to the alternative of stopping the business of the United States at a very critical moment, or proceeding to act with them; they have judged it most advisable to prefer the latter under a determination, on all questions, where the interest of the Union at large, or that of the states they represent, may be materially affected, to have it stated by the yeas and nays, the manner in which they are carried; saving to themselves and to the states they represent, the right they may have to invalidate all acts passed in Congress, wherein the voices of Mr. [William] Ellery and Mr. [David] Howell, are deciding on the question; and also declaring and protesting against such acquiescence in the conduct of those gentlemen, which they deem to be irregular and unjustifiable, ~~and violent~~ being ever hereafter considered as a precedent in similar cases; effectually to prevent which, and in order to establish a rule of proceeding, which they consider as required by reason and the Confederation, they propose the following resolution:

Resolved, That when any State shall object to the credentials under which persons may claim to act as Members of Congress, such credentials shall be submitted to the committee of qualifications, who shall forthwith report to Congress a state of facts and evidences as they appear to them, but giving no opinion whatever thereon. And seven states in Congress then agreeing, that such credentials convey to persons so claiming a right to act as Members of Congress, then such persons shall be admitted to act under such cre-

denials: and if seven states shall not so agree, they shall not be permitted to sit in Congress, but the President for the time being shall, and he is hereby directed, to transmit to the State issuing such credentials, an authenticated copy of the Objections, as they appear on the report of the committee of qualifications, in order that any errors therein may be rectified.¹

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone the consideration of the foregoing motion, in order to take up the following, to wit:

Whereas the question on the report of the committee of qualifications, on the credentials of the delegates of the State of Rhode Island and Providence Plantations, was taken and lost on the 15 instant; and whereas since that period, the said delegates have been continually called to order, and have not been permitted to speak or vote in Congress without interruption from some members:

Resolved, That after delegates shall have been received as members into Congress, on sufficient credentials for one year, such delegates so admitted, shall not be excluded the house but by the voices of seven states.

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell,

| | | | | | |
|-----------------------|----|------|---------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Connecticut,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Sherman, | ay | } ay |
| Blanchard, | ay | | Wadsworth, | ay | |
| <i>Massachusetts,</i> | | | <i>New York,</i> | | |
| Mr. Dana, | ay | } ay | Mr. De Witt, | no | } div. |
| Partridge, | ay | | Paine, | ay | |
| <i>Rhode Island,</i> | | | <i>New Jersey,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. Stevens, | ay | } ay |
| Howell, | ay | | Beatty, | ay | |
| | | | Dick, | ay | |

¹ This motion, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, IV, folio 491.

| | | | | | |
|----------------------|----|-----------------|------------------------|----|------|
| <i>Pennsylvania,</i> | | | <i>Virginia,</i> | | |
| Mr. Mifflin, | ay | } no | Mr. Hardy, | no | } no |
| Montgomery, | no | | Mercer, | no | |
| Hand, | no | | <i>North Carolina,</i> | | } * |
| <i>Maryland,</i> | | Mr. Williamson, | no | | |
| Mr. Stone, | no | } div. | <i>South Carolina,</i> | | } no |
| Chase, | ay | | Mr. Read, | no | |
| | | | Beresford, | no | |

So the question was lost.

On the question to agree to the resolution proposed by the delegates for Virginia and South Carolina, the yeas and nays being required by Mr. [Samuel] Hardy,

| | | | | | |
|-----------------------|----|-----------------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | no | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | } no | Hand, | ay | |
| Mr. Dana, | no | | <i>Maryland,</i> | | } div. |
| Partridge, | no | Mr. Stone, | ay | | |
| <i>Rhode Island,</i> | | } no | Chase, | no | |
| Mr. Ellery, | no | | <i>Virginia,</i> | | } ay |
| Howell, | no | Mr. Hardy, | ay | | |
| <i>Connecticut,</i> | | } no | Mercer, | ay | |
| Mr. Sherman, | no | | <i>North Carolina,</i> | | } * |
| Wadsworth, | no | Mr. Williamson, | ay | | |
| <i>New York,</i> | | } div. | <i>South Carolina,</i> | | } ay |
| Mr. De Witt, | ay | | Mr. Read, | ay | |
| Paine, | no | | Beresford, | ay | |
| <i>New Jersey,</i> | | } no | | | |
| Mr. Stevens, | ay | | | | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So the question was lost.

A motion was made by the delegates for New York as follows:

Whereas the delegates of the State of New York, move in Congress for a reconsideration of the act of Congress of the 18 day of April, 1783, respecting the quotas of the several

States, with a view to obtain an abatement in the quota of the said State.

Resolved, That Friday next be assigned to reconsider the said act.

On the question to agree to this, the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | | | | |
|------------------------|----|--------|-------------------------|-------------------------|----|------|--|--|
| <i>New Hampshire</i> , | | | | <i>Pennsylvania</i> , | | | | |
| Mr. Foster, | no | } div. | | Mr. Mifflin, | no | } | | |
| Blanchard, | ay | | | Montgomery, | no | | | |
| <i>Massachusetts</i> , | | | Hand, | no | | | | |
| Mr. Dana, | no | } no | | <i>Maryland</i> , | | } no | | |
| Partridge, | no | | | Mr. Stone, | no | | | |
| <i>Rhode Island</i> , | | | Chase, | no | | | | |
| Mr. Ellery, | ay | } ay | | <i>Virginia</i> , | | } no | | |
| Howell, | ay | | | Mr. Hardy, | no | | | |
| <i>Connecticut</i> , | | | Mercer, | no | | | | |
| Mr. Sherman, | no | } no | | <i>North Carolina</i> , | | } * | | |
| Wadsworth, | no | | | Mr. Williamson, | no | | | |
| <i>New York</i> , | | | <i>South Carolina</i> , | | | | | |
| Mr. De Witt, | ay | } ay | | Mr. Read, | no | } no | | |
| Paine, | ay | | | Beresford, | no | | | |
| <i>New Jersey</i> , | | | | | | | | |
| Mr. Stevens, | ay | } no | | | | | | |
| Beatty, | no | | | | | | | |
| Dick, | no | | | | | | | |

So it passed in the negative.¹

¹ On this day, as the indorsement indicates, was read a memorial of B. Johnson for himself and partners and referred to Mr. [Hugh] Williamson, Mr. [Roger] Sherman and Mr. [Edward] Hand. It is in the *Papers of the Continental Congress*, No. 41, IV, folio 471.

Also, a memorial of Joseph Nourse was referred to the next Congress. It is in No. 41, VII, folio 111, and is a duplicate of the one presented October 29, 1783. Nourse's letter of transmittal is on folio 107.

Also, a petition of William Coleman was ordered to lie on the table. It is in No. 42, II, folio 186.

Also, a letter of May 23 from Joseph Carleton which was referred to Mr. [Edward] Hand, Mr. [John] Beatty and Mr. [Hugh] Williamson. It is in No. 60, folio 79.

Also, a letter of May 1, from Edward Vaill Brown. It was referred to the Agent of Marine. It is in No. 78, IV, folio 429.

TUESDAY, MAY 25, 1784.

Congress assembled: Present as yesterday.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Thomas] Stone and Mr. [Roger] Sherman, to whom was referred a petition of Dr. Gordon, representing that with the desire of cherishing the love of liberty, he has at a considerable expence, been collecting materials for the history of the late Revolution; and praying that he may have access, under the necessary restraints, to the documents and records in the archives of Congress; and that Congress would be pleased to countenance his admission to the papers of the late Commander in Chief.

The Committee [Mr. Hugh Williamson, Mr. Thomas Stone and Mr. Roger Sherman] to whom was referred the Petition of Dr. William Gordon who represents that with the desire of cherishing the love of liberty he has at a considerable expence been collecting materials for the history of the late Revolution and prays that he may have access, under the necessary restraints to the documents and records in the Archives of Congress and that Congress would be pleased to countenance his admission to the papers of the late Com^d in Chief and your Committee being of opinion, that it will be proper to give permission to any gentleman of character and learning desirous of the same access to their records and papers which are not under any injunction of secrecy, submit the following resolve.

Resolved, That the Secretary of Congress lay before Dr. Gordon, any papers or files in his Office which may be desired; except Instructions to the ministers of the United States in foreign countries, letters to or from those ministers, or other foreign ministers, or any acts or records which hitherto have been considered as confidential or secret.

Also, a letter of May 6, from John Bradford was referred to Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [Roger] Sherman. It is in No. 78, IV, folio 435.

Also, a letter of May 23 from John Pierce, Paymaster General, which was referred to Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [Roger] Sherman. The indorsement adds: "Vide resolution of Congress June 3^d, 1784." It is in No. 62, folio 25.

That Congress having the fullest confidence in the prudence of the late Commander in Chief have no objection to his laying before Dr. Gordon, any of his papers which he shall think, at this period, may be submitted to the eye of the public.¹

The report of the committee, consisting of Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Ephraim] Paine, "appointed to consider of the measures proper to be adopted, in order to take possession of the frontier posts," being under debate,

A motion was made by Mr. [David] Howell, seconded by Mr. [James] Monroe,

That there be inlisted, as soon as possible, to serve for the term of three years, unless sooner discharged, four hundred and fifty men, to be employed for defence of the north-western frontier of the United States; and that the different States furnish their quotas in the following proportions:

A motion was made by Mr. [Edward] Hand, seconded by Mr. [John] Montgomery, to postpone the consideration of that motion, in order to take up the following:

"That there be engaged as soon as possible, to serve for the term of three years, unless sooner discharged, eight hundred and ninety-six men, including non-commissioned officers, for the defence of the northwestern frontiers of the United States." ²

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 425½. William Gordon's petition is on folio 427.

² [Motion of M^r Edward Hand, seconded by Mr. Joseph Montgomery.]

Resolved, That a Corps of infantry to consist of one Colonel one L^t Colonel, one Major, eight Captains, eight Lieutenants, eight Ensigns, one Paymaster, one Adjutant, one Quarter Master, one Surgeon, three Surgeons' Mates, one Serjeant Major, one Quarter Master Serjeant, one Drum and Fife Major, thirty two Serjeants, Sixteen Drummers and Fifers, thirty two Corporals and four hundred Private-men, also a Corps of artillery and artificers to consist of one L^t Col. 1 Major, 4 Cap^ts 4 Capt. Lieuts., 4 first L^ts, 4 second L^ts, 1 Adj^t, 1 Quarter Master, 1 Paymaster, 1 Surgeon, 1 Surgeons Mate, 1 Serg^t Major, 1 Q^r M^r

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Edward] Hand,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } no | <i>Maryland,</i> | | } ay |
| Dana, | no | | Mr. Stone, | ay | |
| Partridge, | no | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } ay |
| Mr. Ellery, | no | } no | Mr. Hardy, | ay | |
| Howell, | no | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | no | } no | Monroe, | no | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | | Mr. Read, | ay | |
| Mr. Stevens, | ay | } ay | Beresford, | ay | |
| Dick, | ay | | | | |

So the question was lost.

A motion was then made by Mr. [Francis] Dana, seconded by Mr. [Elbridge] Gerry, to amend the original motion, by inserting immediately after "discharged," the following words: by Congress, or unless the legislatures of five of the states should, by their delegates in Congress, request them, or any part of them, to be sooner discharged, in which case they shall be discharged by Congress accordingly.

Sergeant, 1 Drum and Fife Major, 24 Sergeants, 24 Bombardiers, 24 Corporals, 24 Gunners, 8 Drummers and Fifers, 100 artificers, and 100 Matrosses, be immediately raised in the U. S. to garrison the western Frontier posts thereof and for the preservation of the fortifications and stores at West Point.

This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 36, II, folio 389.

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | no | } no |
| Blanchard, | ay | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Stone, | no | } no |
| Dana, | ay | | Chase, | no | |
| Partridge, | ay | | <i>Virginia,</i> | | |
| <i>Rhode Island,</i> | | | Mr. Hardy, | no | } no |
| Mr. Ellery, | no | } div. | Mercer, | ay | |
| Howell, | ay | | Monroe, | no | |
| <i>Connecticut,</i> | | | <i>North Carolina,</i> | | |
| Mr. Sherman, | no | } no | Mr. Williamson, | no | } no |
| Wadsworth, | no | | Spaight, | no | |
| <i>New York,</i> | | | <i>South Carolina,</i> | | |
| Mr. De Witt, | no | } no | Mr. Read, | no | } no |
| Paine, | no | | Beresford, | no | |
| <i>New Jersey,</i> | | | | | |
| Mr. Stevens, | no | } no | | | |
| Dick, | no | | | | |

So it passed in the negative.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, to amend the motion by striking out the words "there be inlisted," and in lieu thereof to insert, "it be recommended to the following states to inlist:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | |
|-----------------------|----|------|----------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Rhode Island,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Ellery, | no | } no |
| Blanchard, | ay | | Howell, | no | |
| <i>Massachusetts,</i> | | | <i>Connecticut,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Sherman, | no | } div. |
| Dana, | no | | Wadsworth, | ay | |
| Partridge, | ay | | | | |

| | | | | | | |
|----------------------|----|---|----|------------------------|----|---|
| <i>New York,</i> | | | | <i>Virginia,</i> | | |
| Mr. De Witt, | no | } | no | Mr. Hardy, | no | } |
| Paine, | no | | | Mercer, | no | |
| <i>New Jersey,</i> | | | | Monroe, | no | |
| Mr. Stevens, | no | } | no | <i>North Carolina,</i> | | } |
| Dick, | no | | | Mr. Williamson, | no | |
| <i>Pennsylvania,</i> | | | | Spaight, | no | } |
| Mr. Mifflin, | no | } | no | <i>South Carolina,</i> | | |
| Montgomery, | no | | | Mr. Read, | no | } |
| <i>Maryland,</i> | | | | Beresford, | no | |
| Mr. Stone, | no | } | no | | | |
| Chase, | no | | | | | |

So it passed in the negative.

On the question to agree to the Motion of Mr. [David] Howell, the yeas and nays being required by Mr. [David] Howell,

| | | | | | | | |
|-----------------------|----|---|------|------------------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | no | } | |
| Blanchard, | ay | | | Montgomery, | no | | |
| <i>Massachusetts,</i> | | | | <i>Maryland,</i> | | | |
| Mr. Gerry, | no | } | no | Mr. Stone, | ay | } | |
| Dana, | no | | | Chase, | ay | | |
| Partridge, | no | | | <i>Virginia,</i> | | } | no |
| <i>Rhode Island,</i> | | | | Mr. Hardy, | no | | |
| Mr. Ellery, | no | } | div. | Mercer, | no | | |
| Howell, | ay | | | Monroe, | ay | | |
| <i>Connecticut,</i> | | | | <i>North Carolina,</i> | | | |
| Mr. Sherman, | ay | } | ay | Mr. Williamson, | no | } | |
| Wadsworth, | ay | | | Spaight, | no | | |
| <i>New York,</i> | | | | <i>South Carolina,</i> | | | |
| Mr. De Witt, | no | } | no | Mr. Read, | no | } | |
| Paine, | no | | | Beresford, | no | | |
| <i>New Jersey,</i> | | | | | | | |
| Mr. Stevens, | no | } | no | | | | |
| Dick, | no | | | | | | |

So it passed in the negative.

[Report of M^r Hugh Williamson, M^r Thomas Stone, and M^r Roger Sherman, on letter 17 May, 1784, from Co^l. J. Beatty late Commissary; Gen^l of prisoners]

The Committee to whom was referred a memorial of Colonel Beatty requesting that his travelling expences may be allowed while he discharged the office of Commissary General of prisoners beg leave to report that the Act of May 21st, 1778, allowing the Commissary General of prisoners to charge his contingent expences seems to have had a reference to the deprettiated state of money whence the real pay was greatly reduced. This reason however ceases when the account is settled in specie. Wherefore your Committee submit the following resolve,

That in settling the accounts of Colonel Jn^o. Beatty late Commissary General of prisoners he shall be credited for his pay as hard money but his travelling expences are not to be allowed.¹

WEDNESDAY, MAY 26, 1784.

Congress assembled: Present, as yesterday.

The report of the committee, "appointed to consider of the measures proper to be adopted in order to take possession of the frontier posts," being under debate,

A motion was made by Mr. [Jacob] Read, seconded by Mr. [John Francis] Mercer.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folio 249. Apparently it was read on this or an approximate date:

On this day, as the indorsement indicates, a petition of William Smith, Nicholas Way and Archibald Pateson, dated May 21, 1784, was read and ordered to be filed. It is in No. 42, VII, folio 200.

Also, was referred to Mr. [Hugh] Williamson, Mr. [Francis] Dana and Mr. [Roger] Sherman a petition dated Annapolis May 23, 1784, of Robert Sewell. It is in No. 42, VII, folio 204.

Also, a petition of Dan Waters and others, dated Boston, May 3, 1784, which was referred to the Agent of Marine to report. It is in No. 42, VIII, folio 290-297.

Also, a copy of the Act of the General Assembly of Connecticut, ceding western lands to the United States. It was referred to Mr. [Hugh] Williamson, Mr. [Jacob] Read, Mr. [Elbridge] Gerry, Mr. [James] Monroe and Mr. [Thomas] Stone. It is in No. 75, folio 81.

That there be inlisted as soon as possible, to serve for the term of three years, unless sooner discharged, 896 men, to give protection to the commissioners appointed to negotiate treaties of peace with the Indians, and to defend the north-western frontiers of the United States, and that the different states furnish their quotas, &c.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Francis] Dana, to postpone the consideration of the said motion, in order to take up the following:

Whereas different opinions exist in Congress respecting their authority to make requisitions on the several states for land forces in time of peace: and whereas such a construction of the Confederation as will enable Congress to make requisitions for a small number of land forces for a short period, must admit an unlimited power to extend their requisitions, both with respect to numbers and time of service, and must preclude the states from a right of deliberating, and leave them only an executive authority on the subject. And whereas Congress being authorised to make foreign and domestic loans, and to issue bills of credit, if permitted to raise land forces as aforesaid in time of peace, will be furnished with such coercive means as must be very alarming to the several states: and whereas standing armies in time of peace are inconsistent with the principles of republican governments, dangerous to the liberties of a free people, and generally converted into destructive engines for establishing despotism. And whereas the United States, being remote from nations that have peace establishments, may avoid the heavy expences thereof by providing a small number of troops for garrisoning their posts and guarding their magazines, and by being always in a state of defence, on the plan of the Confederation, which provides that, "every State shall always keep up a well regulated and dis-

ciplined Militia, sufficiently armed and accoutred; and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage." And whereas in a matter so doubtful, as it respects the authority of Congress, and of such high importance to the Union, it is expedient that the delegates should take the sense of their Constituents on the subject; and it is the duty of Congress in the interim to suspend the exercise of the powers aforesaid for that purpose.

It is therefore Resolved, That recommendations in lieu of requisitions shall be sent to the several states for raising the troops which may be immediately necessary for garrisoning the western posts, and guarding the magazines of the United States, unless Congress should think it expedient to employ the Continental troops now at West Point, in the service aforesaid.

On this motion the previous question was moved by the State of South Carolina, seconded by the State of North Carolina:

And on the question to agree to the previous question, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | |
|-----------------------|----|------|----------------------|----|------|
| <i>New Hampshire,</i> | | | <i>New York,</i> | | |
| Mr. Foster, | no | } no | Mr. De Witt, | ay | } ay |
| Blanchard, | no | | Paine, | ay | |
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | |
| Mr. Gerry, | no | } no | Mr. Stevens, | ay | } ay |
| Dana, | no | | Beatty, | ay | |
| Partridge, | no | | Dick, | ay | |
| <i>Rhode Island,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Ellery, | no | } no | Mr. Mifflin, | ay | } ay |
| Howell, | no | | Montgomery, | ay | |
| <i>Connecticut,</i> | | | Hand, | ay | |
| Mr. Sherman, | no | } no | | | |
| Wadsworth, | no | | | | |

| | | | | | |
|------------------|----|------|------------------------|----|------|
| <i>Maryland,</i> | | | <i>North Carolina,</i> | | |
| Mr. Stone, | ay | } ay | Mr. Williamson, | ay | } ay |
| Chase, | ay | | Spaight, | ay | |
| <i>Virginia,</i> | | | <i>South Carolina,</i> | | |
| Mr. Hardy, | ay | } ay | Mr. Read, | ay | } ay |
| Monroe, | ay | | Beresford, | ay | |

So it was resolved in the affirmative.

The motion of Mr. [Jacob] Read being amended, by striking out the words, "to give protection to the Commissioners appointed to negotiate treaties of peace with the Indians, and" so as to read, that there be inlisted as soon as possible, to serve for the term of three years, unless sooner discharged, 896 men, to defend the northwestern frontiers of the United States, &c.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Jacob] Read,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | no | } no | <i>Maryland,</i> | | } ay |
| Dana, | no | | Mr. Stone, | ay | |
| Partridge, | no | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } ay |
| Mr. Ellery, | no | } no | Mr. Hardy, | ay | |
| Howell, | no | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Monroe, | no | |
| Mr. Sherman, | no | } no | <i>North Carolina,</i> | | } ay |
| Wadsworth, | no | | Mr. Williamson, | ay | |
| <i>New York,</i> | | | Spaight, | ay | |
| Mr. De Witt, | no | } no | <i>South Carolina,</i> | | } ay |
| Paine, | no | | Mr. Read, | ay | |
| <i>New Jersey,</i> | | | Beresford, | ay | |
| Mr. Stevens, | ay | } ay | | | |
| Beatty, | ay | | | | |
| Dick, | ay | | | | |

So the question was lost.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [John Francis] Mercer,

That 350 men be marched from the garrisons at West Point and Fort Pitt to take possession of the western posts, until 896 men can be inlisted; and that the states be required, without delay, to proceed to the inlistment of their respective quotas for this purpose.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, to amend that motion with the following proviso, to wit:

“Provided the inhabitants of the states of New Hampshire and Massachusetts shall be exonerated by the United States from the extra pay due by contract to the said soldiers, from the day of October last, until they shall be discharged.”

When the question on this amendment was about to be put, the yeas and nays being required by Mr. [Abiel] Foster, the determination thereof was postponed till to-morrow, by the State of New York.

[M^r David Howell’s motion. Referred to, M^r David Howell, M^r Hugh Williamson, and M^r Roger Sherman.]

Mr Howell, [seconded by] *Mr Wadsworth*.

Resolved, That the salary of the Secretary at War shall not in future, exceed fifteen hundred dollars *per annum*.

Resolved, That the Secretary at War be authorized to appoint one Clerk in his office with the allowance of five hundred dollars *per annum*.

Resolved, That the troops to be raised for garrisoning the posts on the Northwestern frontiers of the U. S. and for protecting the western country, shall be subject to the direction and orders of the Secretary at War, for the time being, as their Commanding Officer.

Resolved, That the Secretary at War be authorized and directed to purchase and provide by special contracts, or otherwise cloathing and rations for the troops aforesaid and to appoint a suitable person at each garrison to receive and issue the same, that he also provide

such military and hospital stores as may be necessary, or as Congress or the Committee of the States may direct. And that the Superintendent of Finance take order for paying the drafts of the Secretary at War for the purposes aforesaid.

Resolved, That Monday next be assigned for the election of a Secretary at War.¹

THURSDAY, MAY 27, 1784.

Congress assembled: Present, as yesterday.

On the question to agree to the amendment, the determination of which was yesterday postponed by the State of New York,

| | | | | | | | |
|-----------------------|----|---|------|------------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | no | } | no |
| Blanchard, | ay | | | Montgomery, | no | | |
| <i>Massachusetts,</i> | | | | Hand, | no | | |
| Mr. Gerry, | ay | } | ay | <i>Maryland,</i> | | } | ay |
| Dana, | ay | | | Mr. Stone, | ay | | |
| Partridge, | ay | | | Chase, | ay | | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | } | no |
| Mr. Ellery, | ay | } | ay | Mr. Hardy, | no | | |
| Howell, | ay | | | Mercer, | no | | |
| <i>Connecticut,</i> | | | | Lee, | no | } | no |
| Mr. Sherman, | ay | } | div. | Monroe, | ay | | |
| Wadsworth, | no | | | | | <i>North Carolina,</i> | |
| <i>New York,</i> | | | | Mr. Spaight, | no | | |
| Mr. De Witt, | no | } | no | <i>South Carolina,</i> | | } | no |
| Paine, | no | | | Mr. Read, | no | | |
| <i>New Jersey,</i> | | | | Beresford, | no | | |
| Mr. Stevens, | ay | } | ay | | | | |
| Dick, | ay | | | | | | |

So the question was lost.

Two reports being called for, both of which were orders of the day, and the title of the first called for, being read, viz. "Ordinance for putting the department of finance into Com-

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 395. See *post*, May 29, 1784.

mission:" And on the question, shall this be taken into consideration the yeas and nays being required by Mr. [David] Howell. The said ordinance being in the words following:

"Be it ordained by the United States in Congress assembled, that a board consisting of three Commissioners, to be appointed by Congress, be instituted to superintend the treasury and manage the finances of the United States, which shall be stiled, The Board of treasury. That the said Commissioners, or any two of them, shall have authority to exercise all the powers vested in the Superintendant of finance, by the act of Congress of the 7 February, 1781, or by any subsequent acts.

That the said Board shall have authority to provide a convenient Office, and employ as many clerks therein as they shall find necessary.¹ That the said Commissioners and clerks, previous to entering on the duties of their several Offices, shall take and subscribe the oath of fidelity to the United States, and also an oath to the due execution of the duties of their offices; certificates of which several oaths shall be filed with the Secretary of the United States in Congress assembled.² That all the books and papers pertaining to the Office of finance, shall be lodged in the Office of the said Board of Treasury. That when the said Board shall be formed and ready to proceed to business, the Office of Superintendant of finance shall be discontinued.³ That each of said Commissioners shall be allowed an annual salary of dollars, and each clerk employed in said office shall receive such salary as

¹ This paragraph was amended on the report by adding the words: "reporting their names and appointments, from time to time, to Congress, or to a Committee of the States in the recess of Congress."

² A copy of this clause on a separate slip is on folio 253¹.

³ In place of this clause, the following, in the writing of Edward Hand, was offered by Mr. [Edward] Hand, seconded by Mr. [John] Montgomery: "That so soon as the Superintendant of Finance shall have resigned, or the said office shall have been discontinued by Congress or a Committee of the States, the said Board being formed, shall proceed to business." This was rejected, and the following, in the writing of Elbridge Gerry, was offered by Elbridge Gerry and seconded by Francis Dana: "That on the ~~1st of September~~ 10th of November next, or sooner if the Superintendant of Finance, agreeable to his ~~letter of the 6th of May~~ instant expectations, shall quit the office, the said Board being formed, shall proceed to business." These amendments are pasted on the report.

the said Board shall allow, not exceeding five hundred dollars per annum: the said salaries to commence at the time that the said officers shall enter on the duties of their Office. That no person to be appointed by virtue of this Ordinance, a commissioner of the treasury of the United States, shall be permitted to be engaged either directly or indirectly in any trade or commerce whatsoever, on pain of forfeiting his Office as a Commissioner, and being forever thereafter rendered incapable of serving the United States in any office civil or military.”¹

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | no | } no |
| Blanchard, | ay | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } no |
| Dana, | ay | | Mr. Stone, | no | |
| Partridge, | ay | | Chase, | no | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } no |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | no | |
| Howell, | ay | | Mercer, | no | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | ay | } ay | Monroe, | no | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | } * |
| <i>New York,</i> | | | Mr. Spaight, | no | |
| Mr. De Witt, | no | } div. | <i>South Carolina,</i> | | } no |
| Paine, | ay | | Mr. Read, | no | |
| <i>New Jersey,</i> | | | Beresford, | no | |
| Mr. Stevens, | ay | } ay | | | |
| Dick, | ay | | | | |

So the question was lost.

¹ This draft of the Ordinance, as a part of the report of the Grand Committee in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 31, folio 247. A copy of the last clause, on a separate slip, is on 253². Another draft of the Ordinance, in the writing of Roger Sherman, is on folio 251.

Upon motion of James Monroe, seconded by Elbridge Gerry, the following clause, in the writing of James Monroe, was added: "That the said commission shall continue in force for three years, unless sooner revoked by the United States in Congress assembled." This amendment was pasted on the report.

The following copy of a draft of the Ordinance, in the writing of Roger Alden of the Secretary's office, except the last paragraph, which is in the writing of David Howell, is in No. 26, folio 487:

An Ordinance for the Regulation of the Department of the Treasury.

Be it ordained by the United States in Congress assembled, that a board consisting of three Commissioners to be appointed by Congress be instituted to superintend the Treasury and manage the Finances of the United States which shall be styled *the Board of Treasury*, which Commission shall continue in force for a term not exceeding three years.

That the said Board shall have authority to provide a convenient office in which shall be placed and kept all the papers of to employ as many Clerks therein as they shall find necessary with such salaries to each as the said Board may determine, not exceeding 500 Dollars per annum. The several names of such Clerks, and their appointments from time to time to be reported to Congress.

That all the powers duties and authority to be vested in the said Board or exercised by them are hereby declared to be vested in and to be capable of being exercised by any two of the said Board.

That each of the said Commissioners previous to entering on the business of their appointments shall give bonds to the United States of America with two or more sureties for the faithful execution of the trusts reposed in them. The principals each in the sum of 100,000 Dollars, and the sureties in one or more bonds to the like amount, which bonds shall be registered and lodged in the office of the Secretary of Congress. Provided that such bonds shall extend only to compel each of the said Commissioners to the faithful performance of the trust reposed in him, without making him answerable for such acts of the Board or of his associates as he did not consent to or acquiesce in.

That for the more effectual execution of the business of the Treasury Department, there shall also be appointed by Congress a Comptroller, a Treasurer, and a Register, with the powers and duties hereafter to be mentioned.

The Board of Treasury shall examine into the state of the public debts, the expenditures and the public Revenues.

They shall digest and report plans for the collection of taxes to supply the common Treasury, and for establishing order and œconomy in the expenditure of the public money.

They shall direct the execution of all plans and resolves of Congress respecting revenue and expenditure.

They shall superintend the settlement of public accounts and give such instructions to the Commissioners of accounts from time to time as they may judge necessary, previously reporting the same to Congress.

They shall be authorized agreeably to the Laws of the several States, to compel the payment of all monies due to the United States, to prosecute in behalf of the United States for all delinquencies respecting the public revenues and expenditures and to appoint by letters of attorney or otherwise such person or persons as they may think proper to prosecute or defend for them in their official capacity or on behalf of the United States in all places where the same may be necessary.

They shall take under their care and management all loans or other monies obtained in Europe or elsewhere for the use of the United States, as well as those

raised on annual requisitions and direct the application of the same agreeably to the several appropriations of Congress.

They shall be authorised to correspond with the several States, and with the several Foreign Ministers of the United States on subjects relating to their Department.

They shall draw warrants quarterly on the Treasurer in favour of all persons employed under Congress in the Civil Department for one fourth part of their respective salaries or allowances.

They shall report to Congress on the last day of June, and on the last day of Dec^r annually a particular account of all monies borrowed or bills emitted, and of all the receipts and expenditures of public money during

the preceding half year—at which periods they shall also settle their public accounts with the United States.

No Commissioner of the said Board shall be permitted to be engaged directly or indirectly in any trade or commerce whatsoever, on pain of forfeiting his office as Commissioner.

The Comptroller shall be appointed by Congress with general authority to inspect and controul the settlement of public accounts.

He shall take care that the public accounts are expeditiously and properly adjusted, and accurately and safely kept. He shall direct a general form in which all the public accounts shall be stated and rendered.

He shall take care that the ballances of public monies are punctually deposited in the hands of the Treasurer.

He shall commit every account to such Clerk for examination as he shall judge most proper for that purpose, naming also the auditor to whom the Clerk shall transmit it.

He shall hear and determine all appeals that may be made to him from the Judgement of any of the Auditors on any article of accounts by any person who may conceive himself injured thereby and make such appeal within fourteen days. In all which cases he shall openly and publicly hear the parties and his decision shall be final.

He shall transmit all accounts after they are finally adjusted to the Register to be entered on record, and he shall transmit a note of the ballance to the Board of Treasury that a warrant may be made out for payment.

The Treasurer shall be appointed by Congress; previous to entering on the duties of his office, he shall give bonds to the United States of America for the faithful execution of the trust reposed in him in the sum of with two sureties each in the sum of which bonds shall be registered and lodged in the office of the Board of Treasury.

He shall receive and keep all monies of the United States and issue them only on warrants drawn by the President of Congress or the Board of Treasury.

The Register shall be appointed by Congress. He shall keep all the public accounts both of receipts and expenditures, and every warrant of the Treasury on others shall be entered and countersigned by the Register before it shall be paid.

He shall appoint the Clerk or Clerks necessary to assist him in his office, who shall receive a salary of dollars per annum.

[4th page, 3d par:]

[4th page, 4th par:]

[6th page, last par:]

The Auditors, the number of whom shall be ascertained by the Board of Treasury, shall be appointed by Congress. After an account shall have been examined by the Clerk in the manner hereinafter mentioned, it shall be delivered to the Auditor, who shall hear the party and the clerk and determine upon the objections, and being satisfied that the account is properly adjusted shall pass it as audited and transmit it to the Comptroller.

The Clerks, the number of whom shall be regulated by the Board of Treasury, shall be appointed by the Comptroller. It shall be their duty respectively to examine all accounts which shall be committed to them by the Comptroller, to correct all errors and to note in writing what may appear exceptionable either as to the propriety of the charge or the validity of the vouchers and transmit the accounts with his remarks to the Auditor; and the party for himself and the clerk on behalf of the public shall be heard before the Auditor.

That the several officers named in this ordinance shall respectively take and subscribe before the Sec^y of Congress, or any one of the Judges of the Supreme Court in the State where Congress may have been last in Session the oaths of fidelity and of office prescribed in an ordinance passed on the day of in the year .

That each of the Commissioners constituting the Board of Treasury be allowed an annual salary of 2,500 Dollars in full compensation for all their services.

That the Comptroller be allowed a salary of 1,850 Dollars annually.

That the salary of the Treasurer be 1,500 Dollars per annum.

[8th page.] That the salary of the Register be 1,200 Dollars per annum.

That the salary of each Auditor be at the rate of 1,000 Dollars per annum.

That the salary of each Clerk to be appointed by the Comptroller to be dollars per annum.

And that all former ordinances, acts and resolves for the regulation of the Department of the Treasury, or of the conduct of the officers named in this ordinance be and they are hereby repealed and made void.

[The following "Observations," in the writing of Charles Pettit, are in No. 26, folio 483. They are indorsed by Robert Alden: "1785."]

Some Observations on the draught of an Ordinance for the regulation of the Department of the Treasury.

It is presumed to be the intention of Congress that *all* the Powers lately vested in the Superintendant of Finance should be and continue vested in the Commissioners of the Treasury or any two of them. Whether the draught under consideration is sufficient for that purpose, is at least doubtful; but I have not sufficiently examined and considered the former ordinances and Resolutions by which the powers were given to be at present able to particularize the variances.

Some observations occur on the face of the draft itself. 4th Page 3 Par: Draw warrants quarterly &c. *for one fourth part* &c. Is it not incident to the office, under the general powers given to draw warrants for salaries? If not it may be necessary to particularize all the cases in which they may draw warrants.

4th Page 4 Par: Shall settle *their* public accounts with the U. S. What are *their* public accounts? Would it not be better to say *all the accounts of the Treasury Department &c.*

6th Page last par: Register to appoint Clerk or Clerks who shall receive a salary of Dollars per annum. Would it not be better to say a salary not exceeding Dollars per annum.

8th Page. Salary of the Register 1200 Dols per Annum. Is not this too low, considered either abstractedly, or on a comparison with that of the Comptroller which is 1850.

Comptroller's Clerks to have a salary of Dols. each. The like observation arises here as on the Clerks of the Register. But with respect to Clerks in all the offices—It would perhaps be best to leave it to the heads of those offices, who have the appointment of the Clerks, to make their bargain as they shall think proper, so as to reward such clerks according to their respective merit, not exceeding a certain sum in any case; but there may be clerks employed who may not be entitled to the outside sum.

With respect to the Treasury Board itself, and the arrangement of their particular office, it seems rather too close a restriction to admit them one or two common clerks only. Each member of the Board should give equal attention to every matter before them, that any one must; they cannot therefore be properly employed in such business as would be proper for a secretary or clerk; and such business may frequently arise as may require talents superior to such as are usually found in a Common Clerk. It may therefore be proper that they should have a confidential officer in Character of a Secretary, as well to arrange and have the custody of the papers of the office, as to be a head or superintending Clerk. Such an officer has been usual in the Treasury under the various Administrations it has experienced from the first institution of the office. Various contingent expenses are incident to this office. Would it not be better to limit the sum to be allowed for the pay of a Secretary, Clerks, office rent, fuel and other contingencies, and leave it to the Board to make their arrangements as they think best from time to time, so however as not to exceed the sum limited and to be accountable for such sums as they do expend. By an estimate the annual sum of 4200 Dollars may be sufficient for these purposes.

The report of the committee, consisting of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Roger] Sherman, on the powers of the Committee of the States in the recess of Congress, which was the second called for, was then taken up, and the following clause being under debate:

“That a chairman to be chosen by the committee shall preside.”

A motion was made by Mr. [David] Howell, seconded by Mr. [Elbridge] Gerry, to insert the word “monthly,” after

“chosen:” And on the question to agree to that amendment, the yeas and nays being required by Mr. [James] Wadsworth,

| | | | | | | |
|-----------------------|----|---|------|------------------------|----|---|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } | ay | Mr. Montgomery, | no | } |
| Blanchard, | ay | | | Hand, | no | |
| <i>Massachusetts,</i> | | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } | ay | Mr. Stone, | ay | } |
| Dana, | ay | | | Chase, | no | |
| Partridge, | ay | | | <i>Virginia,</i> | | |
| <i>Rhode Island,</i> | | | | Mr. Hardy, | no | } |
| Mr. Ellery, | ay | } | ay | Mercer, | no | |
| Howell, | ay | | | Lee, | no | |
| <i>Connecticut,</i> | | | | Monroe, | ay | |
| Mr. Sherman, | no | } | div. | <i>North Carolina,</i> | | } |
| Wadsworth, | ay | | | Mr. Williamson, | ay | |
| <i>New York,</i> | | | | Spaight, | no | |
| Mr. De Witt, | no | } | no | <i>South Carolina,</i> | | } |
| Paine, | no | | | Mr. Read, | no | |
| <i>New Jersey,</i> | | | | Beresford, | no | |
| Mr. Stevens, | no | } | no | | | |
| Beatty, | no | | | | | |
| Dick, | no | | | | | |

So the question was lost.

After further debate,

Ordered, That the further consideration of the report be postponed till Saturday next.

Ordered, That Saturday next be assigned for appointing a committee of the states to sit in the recess of Congress.

The Committee consisting of M^r [Elbridge] Gerry, M^r [Hugh] Williamson, M^r [Jeremiah Townley] Chase, M^r [Arthur] Lee, and M^r [James] Monroe, appointed to repair to the Lower Falls of Potomac, to view the situation of the country in the vicinity of the same and report a proper district for carrying into effect a resolution of the 21st of October last respecting a federal town, submit the following report.

That on the 20th Instant the Committee proceeded on the business mentioned, having been prevented during the winter by the inclemency thereof and afterwards by the sense of Congress.

On the 21st the Committee arrived at George Town and viewed the Banks of the River from that place to the lower Falls on the Maryland side, and on the 22nd crossing to the Virginia side, they viewed the banks as far up the River as M^cClouds Ferry 4 or 5 miles above the lower falls, recrossed the River and returned to Georgetown on the Maryland side.

The trees being leaved prevented the Committee from a good view of the Banks on either side; but from the best observation they could make, there did not appear to be a district suitable for a fœderal town between Georgetown and the Ferry on either side of the Potomac. The banks and neighboring territory being much broken and unsuitable for the purpose.

The Committee being thus disappointed in their expectations, upon inquiry, were informed that above the upper Falls, the banks were level and afforded pleasant prospects; but they were not authorized to view them.

At George Town, however, a little to the northward of the buildings is a rising ground somewhat broken; but pleasantly situated, and commanding good water as well as other prospects. At Funks Town about a mile and a half on the River below Georgetown, there is also a District which commands fine prospects. Some part of it is low, but the residue is high and pleasant. The committee have ordered a plan of each of those Districts to be taken and transmitted to Congress, and agreeable to their engagement with the surveyor beg leave to submit the following resolve,

That the Committee of the States be authorized and directed to pay to _____, the surveyor at Georgetown his reasonable demands for attending the Committee who surveyed the Potomac for a fœderal town, and for taking the plans ordered by the said Committee.¹

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 193. According to the indorsement it was read this day. The indorsement also says: "See survey with plans in iron chest." The survey and plans are not among the *Papers of the Continental Congress*.

On this day, according to the indorsement, was read a memorial of Robert Patton. It is in No. 41, VIII, folio 124.

Also, a petition of Benjamin Bird, which was ordered to be filed. It is in No. 42, I, folio 314.

Also, a petition of Florat de Florimont. It is in No. 42, III, folio 107.

FRIDAY, MAY 28, [1784.]

Congress assembled. Present as before.

On motion of Mr. [Jacob] Read, seconded by Mr. [Elbridge] Gerry,

Ordered, that Brigadier General Armand be furnished with a certified copy of the resolution of 22 April last respecting Colonel Ternant.

Sundry reports being called for, which were orders of the day, and the title of the first called for, being read, viz. "An Ordinance for ascertaining the mode of locating and disposing of lands in the Western territory," which is as follows:

AN ORDINANCE FOR ASCERTAINING THE MODE OF LOCATING AND DISPOSING OF LANDS IN THE WESTERN TERRITORY.

Be it ordained by the United States in Congress assembled, that the territory ceded by individual states to the United States, when the same shall have been purchased of the Indian inhabitants, and laid off into states, shall be disposed of in the following manner. It shall be divided into hundreds of ten geographical miles square, each mile containing 6086 feet, and 4-10ths of a foot, by lines to be run and marked due north and south, and others crossing these at right angles, the first of which lines, each way, shall be at ten miles distance from one of the corners of the State within which they shall be. But if the Indian purchase shall not have included any one of the corners of the State, the line shall then be run at the termination of integral miles, as measured from some one of the corners, but shall be extended, by actual marks, only so far as the purchase extends. These hundreds shall be sub-divided into lots of one mile square each, or 850 acres and 4-10ths of an acre, by marked lines, running in like manner due north and south, and others crossing these at right angles.

For laying off the said territory, surveyors shall be appointed by Congress, or the committee of the States, who shall proceed forthwith, under the direction of the register hereafter to be mentioned, to divide the same into hundreds, by lines in the directions, and at the intervals before mentioned; which lines shall be measured with a chain, shall be plainly marked by chaps or marks on the trees, and

shall be exactly described on a plat, whereon shall be noted, at their proper distances, all water courses, mountains and other remarkable and permanent things, over or near which such lines shall pass.

The hundreds being laid off and marked, nine of them shall be assigned as a district to each surveyor, who shall then proceed to divide each hundred of his district into lots as before directed, beginning with the hundreds most in demand, and measuring, marking and platting the said dividing lines thereof in the manner before directed for the hundreds; save only that the lines of the lots shall be distinguished by a single mark on each tree, and those of the hundreds by three marks. And that the said lots may be capable of more accurate description and distinction from each other, those in every hundred shall be designated by the numbers in their order, from 1 to 100, beginning at the northwestern lot of the hundred, and applying the numbers from 1 to 10, to the lots of the first row from west to east successively; those from 11 to 20, to the lots of the second row from west to east and so on. The surveyors shall pay due and constant attention to the variation of the magnetic meridian, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the time of running the lines thereon noted.

A register shall be appointed by Congress, for each of the states within which the said territory shall lie, who shall keep his office within the said State, be resident at it himself, and provide a seal for authenticating its acts. To him returns shall be made, by the several surveyors, on the last days of March and August in every year, of the plats of all lines measured and marked by them in the preceding half year, to be by him collated and reduced into a general map of the whole State for which he acts. He shall annually, to wit, on the first Monday in November of every year, deliver, or cause to be delivered, to the secretary of Congress, a copy of such portions of the said general map as shall have been formed, or further filled up, during the preceding year, retaining one in his own office for the use thereof. He shall have power to suspend any surveyor for negligence or malversation, making report thereof to Congress, or a committee of the states, that they may direct a proper enquiry.

Each register shall cause to be printed, under such devices, difficult of imitation, as he shall think best, warrants, each of

which shall give right to one lot of a mile square, described as before directed: and other warrants for each of the said states, which shall give right, each of them to one of the hundreds of ten miles square as before described: these warrants shall have blanks for names and dates; shall be numbered and signed by the register; sealed with the seal of his office; and shall be cut with indentures from a book, the margin of which shall be numbered in correspondence with the warrant cut therefrom, and shall be preserved in the office as a further check. The said warrants shall be deposited in the treasury of the United States, and the treasurer thereon debited with them. From thence they shall be sent in such numbers as the register issuing them shall direct, to the commissioner of the loan office for the United States in each of the states within the union; the treasurer countersigning them on parting therewith, and having a credit duly entered in his own account with the United States, and a debit against the loan officer to whom they are sent.

Any person chusing to become a purchaser of lands within the said territory, and paying to the treasurer or loan officer, the sum of dollars, shall receive in lieu thereof, one of the said smaller warrants entitling him to a lot, or paying dollars, shall receive in lieu thereof one of the said larger warrants, entitling him to a whole hundred within the State from which the warrant issued; the treasurer or loan officer inserting the name of the purchaser in the proper blank, filling up the date, and attesting the warrant by his own subscription. Loan office certificates reduced to their specie value by the scale of depreciation, or certificates of liquidated debts of the United States, shall be receivable for the said warrants in lieu of money; and evidences of military rights to lands, hereinafter to be described, shall be receivable instead of the price itself of so much land. These warrants shall pass as lands by descent or devise, but not by assignment nor by survivorship.

The owner of any warrant proceeding to locate the same, shall deliver it to the surveyor of the district, wherein his location is to be, describing to him the particular lot on which he places it, or the hundred, if it be a warrant for a hundred, by a designation of some point, either natural or artificial, within the said lot or hundred, so singular and certain as may be adapted to no other lot or hundred; or by reference to the position of the hundred, or number of the lot; which description the surveyor shall immediately enter in a book

well bound, with the date of the entry, describing the warrant located thereon by its number, date, signatures and name of the original owner, and leaving no blank space or leaf between that and the preceding entry, nor any margin by its side. If the location be made before the lot or hundred be yet laid off by lines actually run and marked, the surveyor shall retain the warrant in his hands until the hundred, if it be for a hundred, or until all the lots of the hundred, if it be for a lot, shall be actually laid off by marked lines: and then, or at the time of the entry, if the lines were marked before the entry was made, having satisfied himself by proper evidence, or by his own inspection and examination, on what particular lot, or on what hundred, the location is, and that there has been no previous location on the same, he shall give to the party a certificate, describing the lot or hundred so specially as that it may be known from all others, by particular marks or circumstances, natural or artificial, by stating the order or position of the hundred, relatively to the boundaries of the State, and specifying the lot by its number: with which certificate he shall return the warrant also to the party. These being delivered to the register, and the warrant examined and found genuine by him, he shall give a receipt for the same, and in due time proceed to execute a grant of the land in the following form: "A. B. register of the land office of the United States, within the State of to all to whom these presents shall come, greeting: Know ye, that for good consideration, there is granted by the United States of America, unto C. D. a certain lot [or hundred of land as the case shall be, describing it from the certificate] within the said State of to have and to hold the said lot [or hundred] of land with its appurtenances, to him the said C. D. and his heirs forever. In witness whereof, the said A. B. register of the land office of the said State, hath hereunto set his hand, and caused the seal of his office to be affixed, this day of in the year and of the independence of the United States the " which grant shall be entered of record at full length, in good well bound books to be provided for that purpose, at the expence of the United States, and kept by the register; and being so entered, shall be certified to have been registered, and then be delivered to the party, or his order. Different lots, adjoining side by side, within the same hundred, may be included and passed by the same grant; but separate lots, and lots in different hundreds, as also different hundreds, shall be passed by different

grants. No fractions of a lot shall be granted, unless where such fractions are occasioned by the boundary of the State, or of the Indian conveyance. Until a temporary government shall be so established in any State, according to the resolutions of Congress of April 1784, the lands therein shall pass in descent and dower, according to the customs known in the common law, by the name of gavelkind; and shall be transferable by deed or will proved by two witnesses. But so soon as a temporary government shall be so established, they shall become subject to the laws of the State, and shall never after, in any case, revert to the United States. Where a grant shall be made out to the heir or devisee of the person in whose name the warrant was originally issued, he shall be named in the said grant as heir or devisee.

For preventing hasty and surreptitious titles, the register shall execute no grant for lands until the warrant and certificate delivered him for the same shall have remained in his office months: at any time within which period, any person claiming the same lands under a prior location, shall be at liberty to enter a caveat, with the register, against the execution of any grant to the other, setting forth in the entry, a copy of the location under which himself claims. The register shall thereupon issue a summons reciting the entry made with him, and calling the defendant to appear, at a certain time and place, in defence of his right; which summons being served, and the parties appearing, he shall refer the decision to three arbitrators to be chosen by them, or if they cannot agree, then to three intelligent, honest and indifferent persons to be named by himself; which arbitrators being first sworn to do justice between the parties, according to the best of their knowledge and abilities, by the register, who is hereby authorised to administer such oath, shall proceed thereon, at such times and places as they shall appoint, giving notice thereof to the parties, and their award being rendered, the register shall execute a grant to the plaintiff or defendant, conformably therewith. The party whose location is annulled, shall be authorised to receive again his warrant, and to locate it on other lands. If the defendant being summoned, or the plaintiff fails to appear, by himself or another, before the register, on the day appointed, the register may give a further day, or in his discretion may proceed on the evidence before him, to execute a grant to the party having the right. If the defendant fails to appear, and there

be no sufficient proof that the summons has been served, the register shall issue a new summons, unless it shall be proved that he hath been sought at the usual place of his dwelling, and hath not been found, in which case the summons shall be advertised three times in some gazette of the State wherein he then resides, or last was known to reside, giving a new day of appearance, which shall not be within less than months after the date of the third publication, and on his failing to appear at that day, the register shall proceed to decision. But in case of a decision against the defendant, where there was no actual service of the summons, he shall be allowed at any time within one year after such decision, a re-hearing before arbitrators, to be appointed and qualified as directed in the case of an appearance; but on such re-hearing, the mere right alone shall be tried.

The register, together with the map before directed to be delivered annually to the secretary of Congress, shall report a calendar of all grants executed by him; stating, in different columns thereof, the date, grantee, quantity, how much of that was for military service, the hundred and lot.

The monies arising from the sale of warrants shall be applied to the sinking such part of the principal of the national debt as Congress shall, from time to time, direct, and to no other purpose whatsoever.

The register, before he enters on the duties of his office, shall give such bond and security for the faithful discharge thereof, as Congress, or the Committee of the States, shall approve; and shall be entitled to receive, for the execution of every grant, dollars, for every lot the same shall contain, or dollars, if it be for a whole hundred: which shall be paid at the time he receives the warrant and certificate, and shall be deemed satisfaction for all the services and expences of his office, except the purchase of books for registering grants, and of the seal of his office.

Every surveyor shall also, before he enters on the duties of his office, give such bond and security for the faithful discharge thereof, as Congress, or the Committee of the States, shall approve; and shall be entitled to receive, for every lot located with him, dollars, and dollars for a whole hundred; which shall be paid at the time of location, and shall be deemed satisfaction for all the services and expences of his office. But where he shall have admitted more

locations than one on the same land, he shall restore the fees received from the party whose location shall be set aside.

A surveyor desiring to locate land for himself, shall make such location with the register.

And whereas Congress, by their resolutions of September 16, 1776, and August 12, 1780, stipulated grants of land to the officers and soldiers who should engage in the service of the United States, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and soldiers as should be slain by the enemy, in the following proportions, to wit: To a major-general, 1100 acres; to a brigadier, 850; to a colonel, 500; to a lieutenant-colonel, 450; to a major, 400; to a captain, 300; to a lieutenant, 200; to an ensign, 150, and to a non-commissioned officer or soldier, 100: for complying therefore with such stipulation, and for ascertaining the evidence of rights accruing under the same, which shall be receivable instead of money, it is ordained, that the evidence to be required from commissioned officers, shall be a certificate from the war office of their rank and continuance in service to the end of the war; from non-commissioned officers and soldiers, a certificate from the captain of their company countersigned by the officer who commanded their regiment at the time of their discharge, that they were inlisted into the service of the United States during the war, and continued therein to the close of it, to wit: to the day of 1783, and from the representatives of such officers and soldiers as were slain by the enemy, a certificate from the same authority, of the rank or term of inlistment of the deceased, and that he was slain by the enemy, together with satisfactory affidavits that they are his representatives; which evidences shall be receivable by the loan officers of the United States, in the State to the line of which he belonged, or by the treasurer if he belonged to the line of no State: and on the warrant issued, shall be an endorsement, signed by the treasurer or loan officer, declaring the proportion thereof which was satisfied by military service; and in the same proportion shall all fees be abated to which that warrant would otherwise be subject. The proceedings on it, in all other respects, shall be the same as on a warrant issued wholly for money.

Saving and confirming always, to all officers and soldiers entitled to lands on the northern side of the Ohio, by donation or bounty from the Commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled by the laws of the said

State, and the acts of Congress accepting the cession of western territory from the said States.

On the question, shall this be taken into consideration the yeas and nays being required by Mr. [David] Howell,

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } * | Mr. Mifflin, | no | } no |
| <i>Massachusetts,</i> | | | Montgomery, | no | |
| Mr. Gerry, | no | } no | Hand, | no | |
| Dana, | no | | <i>Maryland,</i> | | |
| Partridge, | no | | Mr. Stone, | no | } no |
| <i>Rhode Island,</i> | | | Chase, | no | |
| Mr. Ellery, | no | } div. | <i>Virginia,</i> | | |
| Howell, | ay | | Mr. Mercer, | ay | } div. |
| <i>Connecticut,</i> | | | Monroe, | no | |
| Mr. Sherman, | no | } no | <i>North Carolina,</i> | | |
| Wadsworth, | no | | Mr. Williamson, | ay | } ay |
| <i>New York,</i> | | | Spaight, | ay | |
| Mr. De Witt, | no | } no | <i>South Carolina,</i> | | |
| Paine, | no | | Mr. Read, | no | } * |
| <i>New Jersey,</i> | | | | | |
| Mr. Stevens, | no | } no | | | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So the question was lost.

The title of the second report called for, being read, viz.

“Report of Mr. [Richard] Beresford, Mr. [Thomas] Jefferson, Mr. [Jeremiah Townley] Chase, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read, on Indian affairs in the southern department,” which is in the words following:

The Committee consisting of M^r. [Richard] Beresford, M^r. [Thomas] Jefferson, M^r. [Jeremiah Townley] Chase, M^r. [Richard Dobbs] Spaight, and M^r. [Jacob] Read, appointed to take into consideration the State of Indian affairs in the Southern department, beg leave to Report,

That a Report was made upon Indian Affairs in the northern and middle Departments, and being amended was

agreed to on the 15th of Oct^r 1783. That, as many of the Principles contained in that Report will apply with equal propriety to the Southern Department, and the sense of Congress was then expressed, the Committee propose, so often as the circumstances agree, to adopt them in the present. That the Department consigned to their particular consideration extends as it is defined by an Act of Congress of July 12th 1775, so far northward as to include the Cherokees, and so far southward as to include all the other Southern Tribes—That all claims made by S^o Carolina and Georgia upon the Indians have been satisfied—That in a conference with a Deputation of Indians held in Charleston South Carolina in Dec^r 1782 by Governor Mathews, there appeared in them a pacific disposition; and from the circumstances in which our treaty with Great Britain has left the hostile Indians, the same disposition may be supposed to be universal among them. That the preservation thereof is an object greatly desirable; for though a weak, they are a destructive Foe; and in a contest with them much may be lost, but nothing won which will be useful to us, or which will not be more useful when it will be more easily won. That if an Indian war should be rekindled, repeated victories might produce the retreat of the Indians, but could not prevent them from regaining possession of some of the distant Territory of the United States; that while such temporary expulsions could only be effected at a great charge, they could not be maintained but by numerous Garrisons and an expensive Peace Establishment. That even if the Indians could be totally expelled, the policy of reducing them to such an extremity is deemed questionable; for in case of any future rupture with Great Britain they would thereby become an useful ally to that Power, and a formidable Enemy to the United States. That it is highly fortunate that in the Southern Department no subject of contention

threatens us when we are but little prepared to contend. Yet how long that may continue which at present seems to be in some degree the effect of disappointment and despair it cannot now be ascertained, and it will probably depend upon the Measures which the occasion may suggest. That Generosity, Clemency and Mercy ought to appear in the Transactions of the Grand Council of the United States with a people who live in a lamentable state of ignorance and error; and that these will perhaps be found ultimately to compose the best Policy. That so often as the Interests of both Parties can be made to accord, mutual advantage ought to be attempted; and that nothing else can form so solid and durable a foundation for harmony and peace. That Small benefits should be cheerfully resigned for the probable attainment of those which are important; more especially as it cannot be presumed the Indians will in their present circumstances venture upon any extravagant demands.

That Congress, however desirous they may be to gratify their better feelings in acts of humanity, will not be warranted in advancing beyond the essential interests of their constituents; and furthermore generosity becomes bankrupt and frustrates its own designs by prodigal bounty. That the States which are inhabited by the Indians in the southern department have in common with the rest of the United States, pledged themselves for the payment of the publick debts; that Justice, Gratitude, and good Policy, direct them to make ample provision more especially for their own quota of the virtuous army whose patient courage has so eminently conduced to the establishment of their liberty and independence; that it is become necessary by the increase of domestick population and emigrations from abroad to provide speedily for the settlement of their respective territories, and their finances do not admit of any considerable

expenditure to extinguish the Indian claims upon such lands: the Committee are therefore of opinion that the Indians in the Southern department should be prevailed upon to ascertain and establish between the United States and themselves such lines of property, and to make such cessions of uncultivated land to the States they inhabit respectively as may be convenient to those nations and commensurate to the present and approaching necessities of those States. Nor in the opinion of the Committee, can the Indians make any reasonable objection against the measures recommended. They were themselves aggressors in the war, without even a pretence of provocation, and the barbarities which attend their mode of warfare are too shocking and of too great notoriety to be here recited. These circumstances are sufficient to manifest the obligation they are under to make atonement for their outrages, and a reasonable compensation for the expences and alarms to which they have exposed their unoffending neighbours, and they possess no other means to do this act of justice than by a compliance with the proposed terms.

The Committee are of opinion that care should be taken neither to yield nor require too much; to accommodate the Indians as far as the publick good will admit, and to avoid the hazard of a war the expences of which may exceed the value of the acquisition sought for; but it is supposed that when they shall have been informed of the damages which our citizens have sustained from their irruptions and those of their British Ally all unreasonable expectations will be suppressed, Whereupon,

Resolved, That Conventions be held with the Indians residing in the southern department who have taken up arms against the United States, for the purpose of receiving them into the favour of the United States, and of establishing boundary lines of property for separating and dividing the

settlements of the citizens of the United States from the Indian villages and hunting grounds, and thereby extinguishing as far as possible all occasion for future animosity, disquiet and contention. That First, and as a preliminary, it shall be required, that all prisoners of whatever age or sex among the Indians, and all fugitive and other slaves shall be delivered up.

Secondly, That the Indians be informed that after a contest of eight years for the sovereignty of this country, Great Britain has relinquished to the United States all claim to the country within the limits described by the second article of the definitive treaty between the United States and the King of Great Britain signed on the third day of September in the year 1783, that is to say (here insert the limits).

Thirdly. That as the Indians in contempt of every principle of justice and humanity regardless of the friendly temper and designs of the United States, and in defiance of their power or resentment, were determined to join their arms to those of Great Britain and to share her fortunes, so consequently by a less generous people than Americans they might be compelled to retire to the most distant parts of the Continent. But as we prefer clemency to rigour, as we persuade ourselves that their eyes are open to their error, and that they have found by fatal experience that their true interest and safety must depend upon our friendship, as the country is large enough to maintain and support us all, and as we are disposed to be Kind to them, to supply their wants, and to partake of their trade; we from these considerations and from motives of compassion, draw a veil over what is past, and will establish a boundary line between us and them beyond which we will restrain our citizens from hunting and settling, and within which the Indians shall not come but for the purposes of trading, treating, or other

business equally unexceptionable. That Congress are desirous that the most friendly intercourse may subsist between us, and that all commercial transactions may be conducted upon the most equitable principles, and such as may equally promote the interests of both parties. But that they take warning of the perils of a fresh rupture. That a second injury is more grievous than the first.

That an offence against one State will be resented by the whole, That their friends have deserted them, and that our arms obliged them to do so, that without their friends they must be immediately overwhelmed. That we also have friends who never deceived us, but on the contrary enabled us to capture an army the loss of which ruined the British cause in America; that their friends in the late treaty of peace left them to the mercy of their enemies, having made no stipulation in their favour, yet that we are not disposed to take advantage of their distress; that men ought to be preferred who are merciful as enemies to men who are treacherous as friends.

Fourthly. The Commissioners which shall be appointed to treat with these Indians are instructed to use their own discretion in establishing between the United States and the several nations of Indians the most advantageous boundary lines to which they can be induced to accede, unless they shall hereafter be otherwise directed by Congress.

Fifthly. The Commissioners are instructed to treat with the Indian Nations collectively or at different times and places as they shall find most conducive to the interest of the United States, care being taken to avert the mischiefs which may arise from united councils or powerful combinations among the Indians, and to encourage in them every disposition to act independently.

Sixthly. The Commissioners are instructed not to admit into a treaty with the Indians or suffer to be in any manner

connected with it, any article, stipulation or condition whatsoever making or confirming or tending to make or confirm to any individual or individuals any grant or grants of land whether real or pretended, within the bounds of the United States as before described, moreover that no treaty which may have been concluded with the Indians by any State or States and not by the United States in Congress assembled, for obtaining land or for any other purpose, shall be confirmed by the Treaty or treaties now proposed to be held, unless the said treaties which may have been concluded by such State or States appear manifestly and perfectly consistent with the design of the Treaties now proposed to be held.

Seventhly. The Commissioners are instructed to take security from the Indians for the performance of their engagements if they shall find this measure practicable.

Eighthly. The Commissioners are instructed to warn all persons not properly authorised from trading with the Indians. That the Commissioners do not allow the Indian Traders to take advantage of the intoxication of the Indians, or to wrong them in any manner in their dealings, and in order that the Traders may be kept under the controul of the Commissioners and that their fidelity may be insured and these evils may be prevented, the Commissioners are instructed to put them under the obligation of a bond with good and sufficient security.

Ninthly. The Commissioners are instructed to encourage the Indians to give intelligence of any mischeivous designs which may be concerted in any neighbouring Tribe against the United States, thus will evil be prevented in the first instance, and the strength of the Indians be divided and diminished by violated faith should any Tribe, at present friendly to us, become in future hostile, and threaten an invasion. That the Commissioners take proper steps for

obtaining and transmitting such intelligence with all possible dispatch.

Tenthly. That it be recommended to the Executive of the State of South Carolina to furnish the Commissioners which shall be appointed to treat with the Indians in the Southern Department with all such Goods and sums of money as may be necessary at the proposed Treaty or Treaties and fully to carry into effect the views of the United States in Congress assembled: and that a credit shall be allowed to the said State for the amount of such advances as part of the Quota of the said State on any of the Requisitions of Congress against the said State now unsatisfied. But if the State of South Carolina should fail to grant the supplies above mentioned that the Superintendant of Finance be directed to purchase Goods of such kinds as are most useful and acceptable to the Indians to the amount of Dollars. And that the Goods or sums of money which may be furnished by the Executive of South Carolina or the Superintendant of Finance, be deposited in the hands of the Commissioners, they having previously appointed an Agent, subject to their orders, to take them under his care. That the Commissioners make the usual presents to the Indians at their first interview. That the rest of the Goods be disposed of at such prices as shall appear to the Commissioners prudent and convenient.

Eleventhly. That the Commissioners use such arguments as shall appear to them most likely to prevail with the Indians to enter into the society of the Citizens of the United States, and that they make them acquainted with such Laws as exist in the different States, particularly those in their vicinity, for the encouragement of new settlers.

The Committee are moreover of opinion that Commissioners not exceeding in number with Salaries of Dollars per day each, exclusive of their expenses, be imme-

diately appointed with instructions to form a Treaty or Treaties with the Indians in the Southern Department upon the principles contained in the foregoing Report so far as shall be consistent with the Articles of Confederation.

The Committee also think it advisable that Congress recommend that Laws be passed for preventing persons not authorised by Congress from trading with the Indians; also for the security of the Indians, and the punishment of those who shall invade them, or in any manner treat them unjustly and thereby endanger the tranquility of the United States; also to adapt their Laws as much as convenient to the purpose of inducing the Indians to become citizens.

The Committee upon Indian Affairs in the Southern Department have also been directed to take under consideration several Papers consisting of a Letter from General Wilkinson to the President dated Falls of Ohio Jan. 17, 1784; a letter from M^r. J. Donne to Gen^l. Wilkinson of the same Date; a Talk of five Chiefs of the Chickasaw Nation of Indians dated Chuck-ul-issah July 20th, 1783, addressed to the President, and forwarded by M^r. Donne through Gen^l. Wilkinson; also a copy of the commission of Captain Colbert (taken from the Original by M^r. Donne) under which he served the King of Great Britain in the late war, and commanded a volunteer corps of white men and Southern Indians, also forwarded by M^r. Donne. The Committee have attentively perused these Papers, and from the representations they contain, have agreed to report their opinion as follows—

That long before the Declaration of Peace with Great Britain and as early as the beginning of the Year 1782, the Chickasaw Nation of Indians made overtures for a Peace with the United States, but before a Messenger despatched by General Clark to assist in concluding the same, could reach their country; the hunting season had arrived, and the

Chiefs were abroad; but that the most friendly disposition prevailed throughout the Nation; and that they have remained in this disposition ever since. That attempts have been made by the Spaniards to attach them to their interests, but they prefer a connexion with us, and have formed a resolution to accept of no advantages which have been offered to them unless they shall be driven to that resource by our neglect, and are now anxiously waiting the result of their application to Congress. That they have expelled out of their Nation all those who were on the Misisippi under Colbert lest their presence should be offensive to the Americans. That although long since desirous of Peace, they have been confused and perplexed with contradictory accounts and knew not where they should make their application, whether to any State in their vicinity or to Congress. That they were finally determined by the advice of M^r. J. Donne at this time or heretofore an Officer of the State of Virginia, (and as the Committee believes) in the Indian Department; and that they promised to confide in the answer he should return them. That during the British Government the Indian Nations were accustomed to have a Commissary residing among them who made known their wants, studied their ruling passions, and became so useful and necessary to them, that he was styled the *beloved Man*. That by his influence it was easy to excite them to war or compose them to Peace. That he could easily preclude or expel from among them characters unfriendly to his designs. That he acted frequently as a magistrate in settling disputes among the Indians, and also among the white residents; and from his importance with both these Parties may be supposed to have been often usefully employed as a mediator between them. That he prevented Innovations on the established Trade of the Indians; and by keeping a watchful eye over their conduct, withheld them from the pursuit of

new objects, and secured their attachment to his own cause. That such a person is peculiarly necessary at this time among the Chickesaws, they having made it an earnest request, being very importunate for supplies, particularly ammunition and clothing, being alarmed and exasperated by the menaces of mischievous Persons who threaten to take possession of their Country, and being exposed to the arts of the Spaniards and the temptations of their proffered Trade. That Captain James Colbert possesses considerable influence over the Chickesaws, Choctaws and Creeks; and although by his activity against the Spaniards during the late war he had made himself very obnoxious to them, yet they have been so sensible of his importance as to make proposals to him; that he has thought proper to decline the same, hoping to meet with a favorable reception from the Americans; that ever since the Peace, he has been principally instrumental in baffling the Spaniards in their attempts to tamper with the Chickesaws, and in preserving order and steadiness among the Indians, and promises to employ all his interest for these purposes until he shall be informed of the destiny which awaits him. That he is disposed to enter into the employment of the United States, urging "that his having served his Master faithfully ought not to be brought in evidence against him, and that he was now deserted by that Master." That should the good offices of this man be rejected, some disadvantage and danger are to be apprehended from his despair. That it will therefore be prudent to secure him to our Party by a subordinate Office in the Indian Department. That Mr. Donne who has furnished Congress with the late communications appears to have obtained a considerable insight into Indian Affairs, and from the character he seems to have sustained is worthy of the notice of Congress. That it is expedient that a Talk be

forthwith returned by Congress in answer to the Talk lately received from five Chiefs of the Chickesaw Nation.

Whereupon the Committee have come to the following Resolutions;

First. That Superintendants of Indian Affairs be immediately appointed, not exceeding in number, with Salaries of Dollars each, to reside at such places as shall be named by the Commissioners appointed or to be appointed for settling a Peace with the Indians, in the Department to which each Superintendant may respectively belong, and that they be subject to such orders and regulations as shall be framed and agreed to by the said Commissioners in their respective Departments until the further pleasure of Congress be known. Moreover that the Superintendant of Indian Affairs in the District inhabited by the Chickesaws be, and he is hereby directed, to employ M^r. James Colbert in the service of the United States in the Indian Department in such manner as shall best promote the honor and interest of the same.

Secondly. Resolved, That a Committee be appointed to prepare a Talk in answer to the Talk lately received from five Chiefs of the Chickesaw Nation.¹

On the question, shall this be taken into consideration the yeas and nays being required by Mr. [Jacob] Read,

¹ This report, in the writing of Richard Beresford, is in the *Papers of the Continental Congress*, No. 30, folios 219-227. The indorsement states that it was delivered April 19, 1784, and read. Thursday next assigned for its consideration. Postponed to Wednesday, December 15, 1784, and on that date referred to Mr. [Samuel] Hardy, Mr. [William] Houstown, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Samuel] Holten.

James Wilkinson's letter of January 19 also referred to this committee is in No. 78, XXIV, folio 431.

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | * | Mr. Mifflin, | ay | } ay |
| <i>Massachusetts,</i> | | | Montgomery, | ay | |
| Mr. Gerry, | no | } no | Hand, | ay | |
| Dana, | no | | <i>Maryland,</i> | | |
| Partridge, | no | | Mr. Stone, | ay | } ay |
| <i>Rhode Island,</i> | | Chase, | at | | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | |
| Howell, | no | | Mr. Mercer, | ay | } ay |
| <i>Connecticut,</i> | | Lee, | ay | | |
| Mr. Sherman, | no | } no | Monroe, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | ay | } ay |
| Mr. De Witt, | ay | } div. | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } * |
| Mr. Stevens, | ay | } ay | | | |
| Beatty, | ay | | | | |
| Dick, | no | | | | |

So the question was lost.

The third report called for was taken up, viz.

A report of the grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jonathan] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to whom was referred the motion of the delegates for Massachusetts, to revise the institution of the treasury department, and report such alterations as they may think necessary; which report is in the words following:

The Committee are of Opinion, that the United States have derived very great advantages from the arrangement and management of their finances, under the administration of the honorable Robert Morris, as Superintendent thereof: but as he has signified his resolution to retire from the said

Office, your Committee are of Opinion, that it will be expedient to make seasonable provision for such event: And for preventing the inconveniencies that may attend the filling the said office when vacancies happen, by persons unexperienced in the business thereof, and for securing the general confidence of the states in the administration of the business of the treasury, that it will be proper to vest the authorities of the said office in a board of commissioners: and therefore the committee submit to Congress the following ordinance: Here follows the Ordinance for putting the department of finance into commission, as entered on the journal of the 27th instant.

Resolved, That a committee be appointed to prepare an Ordinance for making the necessary alterations in the arrangement of the treasury department, and for more particularly defining the powers of the Board of Treasury.¹

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, to postpone the said report, in order to consider the proper means of securing the western posts, and protecting the Commissioners in negotiating treaties with the Indians.

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Hugh] Williamson,

| | | | | | |
|-----------------------|----|------|----------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Rhode Island,</i> | | |
| Mr. Foster, | no | } no | Mr. Ellery, | no | } no |
| Blanchard, | no | | Howell, | no | |
| <i>Massachusetts,</i> | | | <i>Connecticut,</i> | | |
| Mr. Gerry, | no | } no | Mr. Sherman, | no | } no |
| Dana, | no | | Wadsworth, | no | |
| Partridge, | ay | | | | |

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 31, folio 247. A copy of the resolution, in the writing of Elbridge Gerry, is on folio 253^o. A draft of the report, in the writing of Roger Sherman, is on folio 253.

| | | | | | | |
|----------------------|----|--------|--|------------------------|----|------|
| <i>New York,</i> | | | | <i>Maryland,</i> | | |
| Mr. De Witt, | ay | } div. | | Mr. Stone, | ay | } ay |
| Paine, | no | | | Chase, | ay | |
| <i>New Jersey,</i> | | | | <i>Virginia,</i> | | |
| Mr. Stevens, | ay | } ay | | Mr. Mercer, | ay | } ay |
| Beatty, | ay | | | Lee, | ay | |
| Dick, | ay | | | Monroe, | ay | |
| <i>Pennsylvania,</i> | | | | <i>North Carolina,</i> | | |
| Mr. Mifflin, | ay | } ay | | Mr. Williamson, | ay | } ay |
| Montgomery, | ay | | | Spaight, | ay | |
| Hand, | ay | | | <i>South Carolina,</i> | | |
| | | | | Mr. Read, | ay | } * |
| | | | | Beresford, | ay | |

So the question was lost.

Congress took into consideration the "Ordinance for putting the department of finance into commission;" and the following clause being under debate:

That each of the said commissioners shall be allowed an Annual Salary of _____ dollars:

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Samuel] Hardy, to fill the blank with "three thousand six hundred:" And on the question to agree to this sum, the yeas and nays being required by Mr. [Arthur] Lee,

| | | | | | | |
|-----------------------|----|------|--------------------|----------------------|------|----|
| <i>New Hampshire,</i> | | | <i>New York,</i> | | | |
| Mr. Foster, | no | } no | Mr. De Witt, | no | } no | |
| Blanchard, | no | | | Paine, | | no |
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | | |
| Mr. Gerry, | no | } no | Mr. Stevens, | no | } no | |
| Dana, | no | | | Dick, | | no |
| Partridge, | no | | | <i>Pennsylvania,</i> | | |
| <i>Rhode Island,</i> | | | Mr. Mifflin, | no | } no | |
| Mr. Ellery, | no | } no | Montgomery, | no | | |
| Howell, | no | | | Hand, | | no |
| <i>Connecticut,</i> | | | <i>Maryland,</i> | | | |
| Mr. Sherman, | no | } no | Mr. Stone, | no | } no | |
| Wadsworth, | no | | | Chase, | | no |

| | | | | | |
|------------------|----|-----------|------------------------|----|------|
| <i>Virginia,</i> | | } ay | <i>North Carolina,</i> | | } ay |
| Mr. Hardy, | ay | | Mr. Williamson, | ay | |
| Mercer, | ay | | Spaight, | ay | |
| Lee, | no | | <i>South Carolina,</i> | | } ay |
| Monroe, | ay | Mr. Read, | ay | | |
| | | | Beresford, | ay | |

So it passed in the negative.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Richard Dobbs] Spaight, to fill the blank with "two thousand nine hundred and fifty:" And on the question to agree to this, the yeas and nays being required by Mr. [Thomas] Stone,

| | | | | | |
|-----------------------|----|-------------|------------------------|----|------|
| <i>New Hampshire,</i> | | } div. | <i>Pennsylvania,</i> | | } ay |
| Mr. Foster, | no | | Mr. Mifflin, | ay | |
| Blanchard, | ay | Montgomery, | no | | |
| <i>Massachusetts,</i> | | } ay | Hand, | ay | |
| Mr. Gerry, | ay | | <i>Maryland,</i> | | } ay |
| Dana, | ay | | Mr. Stone, | ay | |
| Partridge, | no | | Chase, | ay | |
| <i>Rhode Island,</i> | | } no | <i>Virginia,</i> | | } ay |
| Mr. Ellery, | no | | Mr. Hardy, | ay | |
| Howell, | no | Mercer, | ay | | |
| <i>Connecticut,</i> | | } no | Lee, | no | |
| Mr. Sherman, | no | | Monroe, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | } no | Mr. Williamson, | ay | |
| Mr. De Witt, | no | | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | } ay | Mr. Read, | ay | |
| Mr. Stevens, | ay | | Beresford, | ay | |
| Dick, | ay | | | | |

So it was resolved in the affirmative.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman,

Resolved, That the last vote be reconsidered; and instead of two thousand nine hundred and fifty, be inserted two thousand five hundred.

The ordinance being amended and read a second time, ordered that it be read a third time.

The Ordinance as amended, being read a third time, on the question to agree to the same, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } ay |
| Dana, | ay | | Mr. Stone, | ay | |
| Partridge, | ay | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } ay |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | ay | |
| Howell, | ay | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | ay | } div. | Monroe, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | ay | } ay | Spaight, | ay | |
| Paine, | ay | | <i>South Carolina,</i> | | } no |
| <i>New Jersey,</i> | | | Mr. Read, | no | |
| Mr. Stevens, | ay | } ay | Beresford, | no | |
| Dick, | ay | | | | |

So it was resolved in the Affirmative, and the Ordinance passed as follows:

An Ordinance for putting the department of finance into Commission.

Be it ordained by the United States in Congress assembled, That a board consisting of three Commissioners to be appointed by Congress, be instituted, to superintend the treasury and manage the finances of the United States, which shall be stiled, *The Board of Treasury*.

That the said Commissioners, or any two of them, shall have Authority to exercise all the powers vested in the

Superintendent of finance, by the act of Congress of the seventh day of February, 1781, or by any subsequent acts.

That the said Board shall have authority to provide a convenient office, and employ as many clerks therein as they shall find necessary, reporting their names and appointments, from time to time, to Congress, or to the Committee of the States in the recess of Congress.

That the said commissioners and clerks, previous to entering on the duties of their several offices, shall take and subscribe the oath of fidelity to the United States, and also an oath to the due execution of the duties of their respective offices; certificates of which several oaths shall be filed with the Secretary of the United States in Congress assembled.

That all the books and papers pertaining to the office of finance, shall be lodged in the Office of the said Board of Treasury.

That on the tenth day of November next, or sooner, if the Superintendent of finance, agreeable to his expectation, shall quit the office, the said Board, being formed, shall proceed to business.

That each of the said commissioners shall be allowed an Annual salary of two thousand five hundred dollars.

That each clerk employed in the said office, shall receive such salary as the said Board shall allow, not exceeding five hundred dollars per annum; the said salaries to commence at the time that the said officers shall enter on the duties of their Office.

That no person to be appointed, by virtue of this Ordinance, a commissioner of the treasury of the United States, shall be permitted to be engaged, either directly or indirectly, in any trade or commerce whatsoever, on pain of forfeiting his Office as a commissioner.

That the said commission shall continue in force for three years, unless sooner revoked by the United States in Congress assembled.¹ Done, &c.

Ordered, That Monday next be assigned for appointing commissioners to constitute the Board of Treasury.

The Committee [Mr. Elbridge Gerry, Mr. Francis Dana and Mr. David Howell] to whom was referred a letter from the Superintendent of Finance of the 19th instant, enclosing an extract of a letter of the 9th of March last from the Marquis de la Fayette, and the copy of a letter of the 8th of March to the Marquis from Monsieur de Colonne submit the following report.

Resolved, That a copy of the letters abovementioned and of one of the 16th of April last from the Superintendent of Finance, with a copy of all the papers mentioned therein, and of the proceedings of Congress thereon, the 3rd inst, be transmitted to Mess^{rs} Adams, Franklin and Jefferson, to assist them in their Commercial Negotiations.²

The Committee of the week [Mr. Richard Beresford, Mr. John Stevens and Mr. John Montgomery] report that the petition of

~~agreed to.~~ Florat de Florimont late a Captain in the Continental Service but not in the line of any State praying that he may be allowed commutation for half pay lie on the table.

~~On the petition of Benjn. Bird praying a renewal of sundry loan office certificates issued by Nathl. Appleton Commissioner of the loan office in the State of Massachusetts bearing date of 27th of April, 1778, as it appears by the said Appleton's certificate dated 3d May, 1784, and that on the 27th April, 1778; the said Benjamin lost the said certificates with sundry other papers and altho' he did advertise them in sundry newspapers, he has not recovered them, the Committee offer the following resolve.~~

~~*Resolved*, That the Superintendent of Finance be directed to take order agreeable to a resolve of Congress passed the 10th day of May 1780.³~~

¹ The draft of this ordinance with the amendments as indicated on May 27 is in the *Papers of the Continental Congress*, No. 31, folio 247.

² This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, IV, folio 435. The indorsement states that it was read on this day. The letter of the Superintendent of Finance is in No. 137, III, folio 639.

³ This report, in the writing of ————— is in the *Papers of the Continental Congress*, No. 32, folio 561. The indorsement states that it was made on this day.

The Committee of the week [Mr. Richard Beresford, Mr. John Stevens and Mr. John Montgomery] to whom was referred a petition of Nathan Fuller late Major in a regiment of the United States commanded by William Bond, Esq., deceased, praying that the said regiment may receive pay and back rations, notwithstanding the resolve of Congress, which directed that all claims up to the last day of December, 1776, should not be allowed, unless exhibited before the first of June 1779, and urging that the deaths of the Colonel and Lieut. Colonel of the Regiment and the consequent derangement of their papers and the supposition that the accounts had been settled and the money lost at the fall of Col. Alden in action, had prevented an earlier application, Report

That the said petition be read in Congress.¹

SATURDAY, MAY 29, 1784.

Congress assembled: Present as before.

Two reports being called for, which were both orders of the day, and the title of the first called for being read, viz. "report of Grand Committee, consisting of Mr. [Thomas] Stone, Mr. [Jonathan] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Charles] Dick, Mr. [Edward] Hand, Mr. [Samuel] Hardy, Mr. [Hugh] Williamson and Mr. [Jacob] Read, on a letter of 29 April, from the Superintendent of finance, respecting Loan Offices," which is in the words following:

"The grand committee, to whom was referred a letter from the Superintendent of finance, of the 29 of April last, are of Opinion that it will be necessary to continue the Continental loan Offices in the several states, for the purpose of paying the monies borrowed in the said offices, and the annual interest thereon, pursuant to the act of Congress of the 3d day of October, 1776. That all monies collected by

¹ This report, in the writing of Richard Beresford, is in the *Papers of the Continental Congress*, No. 32, folio 565. The indorsement indicates that it was made May —, 1784.

the several states, for the United States, may likewise be paid into that office, and the other receivers be discontinued. The Committee thereupon submit the following resolves:

That from and after the first day of August next, all monies collected in the several states for the use of the United States shall be paid into the continental loan Office, in said states respectively; and all other receivers of such monies shall be discontinued. That loan officers shall be appointed by the legislatures, or in their recess, or by their consent, by the supreme executives of the states respectively; but when so appointed, shall be amenable to and removeable by the United States in Congress assembled, or such officer or board as shall have the management of the finances of the United States. That no person shall be appointed to such office, who shall have neglected or refused to adjust his public accounts, or to pay the balance due thereon to the United States. That the said loan Officers respectively be entitled to receive per cent. on all monies that shall be brought into their respective loan Offices, in lieu of all claims and demands for transacting the business of said Offices. That the receivers of continental taxes who have been appointed in the several states by the Superintendant of finance, shall receive for their services a commission on the moneys by them actually received for the United States, at the rates heretofore fixed by the said Superintendant of finance. That with respect to the receipts taken by the loan officer in Connecticut, for interest by him paid on loan office certificates, it would have been more regular to have inserted the number of the certificates, but as the sum of money paid was endorsed on the certificates, at the time of payment, the committee are of opinion, that the United States are secured against any further demand for the interest paid; and that said receipts may be admitted as vouchers of the payment, in settling the accounts of the loan Office."

On the question, shall this report be taken up the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | | | | |
|-----------------------|----|--------|-------|------------------------|----|------|--|--|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | |
| Mr. Foster, | no | } div. | | Mr. Mifflin, | no | } no | | |
| Blanchard, | ay | | | Montgomery, | no | | | |
| <i>Massachusetts,</i> | | | Hand, | no | | | | |
| Mr. Gerry, | no | } no | | <i>Maryland,</i> | | } no | | |
| Dana, | no | | | Mr. Stone, | no | | | |
| Partridge, | no | | | Chase, | no | | | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | } no | | |
| Mr. Ellery, | ay | } ay | | Mr. Hardy, | no | | | |
| Howell, | ay | | | Mercer, | no | | | |
| <i>Connecticut,</i> | | | | Monroe, | no | | | |
| Mr. Sherman, | no | } no | | <i>North Carolina,</i> | | } no | | |
| Wadsworth, | no | | | Mr. Williamson, | no | | | |
| <i>New York,</i> | | | | Spaight, | no | | | |
| Mr. De Witt, | ay | } ay | | <i>South Carolina,</i> | | } no | | |
| Paine, | ay | | | Mr. Read, | no | | | |
| <i>New Jersey,</i> | | | | Beresford, | no | | | |
| Mr. Stevens, | no | } no | | | | | | |
| Beatty, | no | | | | | | | |
| Dick, | no | | | | | | | |

So it passed in the negative.

The report of the committee [Mr. Thomas Jefferson, Mr. Samuel Osgood and Mr. Roger Sherman], on the powers with which the Committee of the states should be invested, was then taken up; Whereupon,

Resolved, That the Committee of the states, which shall be appointed pursuant to the ninth of the Articles of Confederation and perpetual Union, to sit in the recess of Congress, for transacting the business of the United States, shall possess all the powers which may be exercised by seven states in Congress assembled, except those of sending Ambassadors, ministers, envoys, residents, consuls or agents, to foreign countries or courts; establishing rules for deciding what captures on land or water shall be legal, and in what manner

prizes taken by land or naval forces, in the service of the United States, shall be divided or appropriated; establishing courts for receiving and determining finally appeals in cases of capture; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post offices established by Congress; and ~~generally~~ of repealing or contravening any Ordinance or act passed by Congress; [or appointing civil or military officers, unless to supply the places of such within the United States as the Committee may suspend for mal-conduct, or to fill up vacancies which may hereafter happen, by death, resignation, or otherways, within the said states; provided such appointments shall not continue ~~after the recess of Congress, unless confirmed by them at their next meeting,~~ more than one month after the assembling of Congress in November next, unless confirmed by them.]¹

~~That nine members shall be requisite to proceed to business.~~

That no question, except for adjourning from day to day, shall be determined without the concurrence of ~~seven~~ nine states.

~~That the President of Congress, if a member of the said committee, and if not a member or if absent at any time, then a chairman to be chosen by themselves shall preside, the President or chairman retaining a right to vote.~~

That a chairman, to be chosen by the Committee, shall preside.

That the ~~Secretary and other~~ officers of Congress, when required, shall attend on the said Committee.

¹ This paragraph, in the writing of Eldridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 167.

That the Committee shall keep a journal of their proceedings to be laid before Congress; and that in these journals, which shall be published monthly, and transmitted to the executives of the several states, shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

[That if it shall happen that any of these United States shall not be represented in Congress, at the time of electing the Committee of the states, or if no delegate shall be elected by Congress for any particular State, such State or states may be represented therein by any one of the delegates of such State or states, and the members of the delegation of any State may relieve each other, in such manner as may be agreed on by themselves, or directed by their State.]¹

[In case any unexpected and very important business occurs, in which the committee may think the happiness or peace of the United States is involved, and to which they are not competent, it shall be their duty to appoint a day for the meeting of Congress, prior to that to which they stand adjourned, and to give notice of the same to the supreme executives of the several states, that the delegates may ~~be instructed~~ have notice to attend.]²

[That the committee shall ~~only receive~~ have power to receive communications from foreign ministers, and lay

¹ This paragraph, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 23, folio 175.

The following, marked Mr. Dana and Mr. Ellery, is in the writing of Francis Dana and is in No. 36, IV, folio 103:

That if it shall happen that any of these United States shall not be represented in Congress at the time of electing the Committee of the States, such state or states may be represented therein by any one of the Delegates of ~~that~~ such State or States, ~~who may be named by the legislative authority or in default thereof by the Supreme Executive Authority thereof of the said State or states for that purpose.~~ And any of these United States may fill up a vacancy in the Committee of the States occasioned by the death ~~or otherwise~~ or recall of the Member of such State or ~~otherwise~~ states.

² This paragraph, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 23, folio 177.

them before the Congress when they shall convene, but shall ~~proceed to the transaction of no business with them, which they are not authorised to do by the United States in Congress assembled,~~ transact no business with them, unless authorised thereto by particular acts of Congress.]¹

On Motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

Resolved, That the Committee of the states be, and they are hereby Authorised and instructed to prepare and report to Congress, an Ordinance for making the necessary arrangements of the treasury, and for more particularly defining the powers of the Board of Treasury, and also to revise the institutions of the Office for Foreign Affairs, and (of the War Office, and to report such alterations as they may judge necessary).²

Congress proceeded to appoint "*a committee of the states;*" and, the ballots being taken, the following members were elected:

| | |
|--------------------|-----------------|
| For New Hampshire, | Pennsylvania, |
| Mr. Blanchard. | Mr. Hand. |
| Massachusetts, | Maryland, |
| Mr. Dana. | Mr. Chase. |
| Rhode Island, | Virginia, |
| Mr. Ellery. | Mr. Hardy. |
| Connecticut, | North Carolina, |
| Mr. Sherman. | Mr. Spaight. |
| New York, | South Carolina, |
| Mr. De Witt. | Mr. Read. |
| New Jersey, | |
| Mr. Dick. | |

¹ This paragraph, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 23, folio 173. The report, except the paragraphs noted, is in the writing of Thomas Jefferson, and is on folio 169.

² This motion, in the writing of Elbridge Gerry, except the words in parenthesis, which are in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 23, folio 171.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Francis] Dana and Mr. [David] Howell, to whom was referred a Note from the hon^{ble} the minister plenipotentiary of his Most Christian Majesty, Congress came to the following resolution:

Whereas Congress have been informed, by a note addressed to them by the Chevalier de la Luzerne, minister plenipotentiary of his Most Christian Majesty, of the 20th instant, and the papers accompanying the same, that a violation of the laws of Nations, hath been committed by one Longchamps, who calls himself Chevalier de Longchumps, a subject of his Most Christian Majesty, by a violent assault and battery by him lately made in the City of Philadelphia, upon the person of Mr. Marbois, Consul general and Secretary to the above legation: and that although a warrant for apprehending the Offender has been duely issued, in consequence of directions given by the president of the State of Pensylvania, upon application to him made for that purpose by the said minister, he has not yet been apprehended, but absconds, and is supposed to have fled from justice into some other of these United States. Wherefore to the end the said Longchamps may be brought to condign punishment for his said offence, and that the privileges and immunities of foreign Ministers, and of their families and houses, be preserved inviolate:

Resolved, That it be, and it is hereby recommended to the Supreme executive authority of each of these United States, forthwith to issue their proclamations, offering a reward of five hundred dollars, to be reimbursed by the United States to the State paying the same, for discovering the said Longchamps, so that he may be arrested; and requiring their proper civil Officers to arrest him, and their citizens in general to be aiding and assisting therein, that he may be brought to justice for his said violation of the laws of Nations and of

the land, and all others may be deterred from the commission of such Offences.¹

The Committee consisting of Mr. [David] Howell, Mr. [Hugh] Williamson, and Mr. [Roger] Sherman, to whom was referred a motion made by Mr. [David] Howell respecting the Office of Secretary at War, report the following resolves:

That the Salary of the Sec^y at War shall not in future exceed dollars *per annum*.

That the Secretary at War be authorized to employ one clerk in his Office with an allowance of a sum not exceeding five hundred dollars *per annum*.

That no other Officers be continued in said Office. That the Sec^y at War be authorized to take order for carrying into effect all resolves of Congress for raising and equipping troops for the service of the United States, and to direct the arrangement, destination and operations of such troops as are or may be in service, subject to the orders of Congress, or of the Committee of the States in the recess of Congress.

That the Superintendant of Finance or the Board of Treasury be empowered and directed to take order by contract or otherwise, for furnishing the necessary supplies for such troops and garrisons, as may be kept up by the United States, and for the transportation, safe keeping and issuing the same.

~~That tomorrow be assigned for the appointment of a Secretary at War.~~

That the Secretary at War shall twice in every year, and oftener if required, settle the accounts of his Department and report them for the inspection of Congress.

That the Sec^y at War and his clerk shall, [before they enter on the duty of their respective Offices, take and subscribe an oath (or affirmation) of fidelity to the United States, and for the faithful execution of the trust reposed in them, which oaths shall be administered by the Sec^{es} of Congress, and a certificate thereof be filed in his Office.

The Oath of fidelity shall be in the words following:

I, A. B. do acknowledge that I owe faith and true allegiance to the United States of America and I do swear (or affirm) that I will to the

¹ This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 25, II, folio 365. This report was also entered in the manuscript Secret Journal, Foreign Affairs.

utmost of my power, support, maintain and defend the said United States, in their Freedom, Sovereignty and Independence against all opposition whatsoever.

And the Oath of Office shall be in the following words: I, A. B. appointed to the Office of _____ do swear (or affirm) that I will faithfully, truly and impartially execute the said Office, according to the best of my skill and judgement; and that I will not disclose or reveal any thing that shall come to my knowledge in the execution of the said Office, or from the confidence I may thereby acquire: which in my own judgement, or by the injunction of my superiors, ought to be kept secret.

That the form of the Oath of fidelity heretofore prescribed by Congress be and the same is hereby revoked.¹

The Committee consisting of M^r [Roger] Sherman, M^r [Arthur] Lee, and M^r [Elbridge] Gerry to whom was referred a letter from the Superintendent of Finance dated 4 May 1784 with papers enclosed respecting a loan in Holland, submit the following resolution.

That Congress approve of the conduct of the Commissioners for obtaining a public loan in Holland in agreeing to accept the loan of two millions of guilders on the terms mentioned in their letter to the Superintendent of Finance of the nineteenth of February last, for the use of the United States, to answer the drafts made on them by the Honorable Robert Morris, Esq., and also the conduct of M^r Adams in advising and guarantying the said loan and Congress will ratify the securities that shall be given for the same accordingly.

~~That the Superintendent of Finance be directed to instruct the said commissioners~~ M^r Adams be instructed not to negotiate any further loans in Holland, ~~on the terms aforesaid~~ without the further order of Congress.²

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 27, folio 265.

² This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 29, folio 339. The indorsement states that it was read on this day. The letter of the Superintendent of Finance is in No. 137, III, folio 573. The indorsement shows that [Thomas] Jefferson was on the committee when it was appointed on May 7, but afterwards was taken off.

[Mr. Ephraim Paine and Mr. Charles D' Witt's motion.]

Whereas the Memorial of the Delegates of the State of New York bearing date the 24th Day of April 1784 together with the papers accompanying the same stands Committed;

And whereas the subject matter contained in the said memorial is important;

Resolved, That the Committee to whom the said memorial and papers were referred be called upon to Report by Tuesday next.¹

The Committee, consisting of M^r [Jacob] Read, M^r [Roger] Sherman, M^r [William] Ellery, M^r [Samuel] Hardy and M^r [George] Partridge, to whom was referred the Representation of the Delegates from the State of New York, respecting the controversy between the said State and the people inhabiting the Territory called the New Hampshire Grants, made in pursuance of express Instructions from the Legislature of the said State urging the necessity of an immediate decision of the said Controversy with sundry affidavits and other papers accompanying the same having carefully examined the said papers and the files and proceedings of Congress respecting the said Controversy and maturely considered the case, report thereon as follows:

That by an Act of Congress of the 7th of August, 1781, reciting that the States of New Hampshire and New York had submitted to Congress the decision of the disputes between them and the People Inhabiting the New Hampshire Grants on the west side of Connecticut River, called the State of Vermont, concerning their respective claims of Jurisdiction over the said Territory, and had been heard thereon, And that the people aforesaid did claim and exercise the Powers of a Sovereign Independent State, and had requested to be admitted into the federal union of the States, it was among other things resolved "That a Committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants on the West Side of Connecticut River, or by their Representative Body respecting their claim to be an Independent State and on what terms it may be proper to admit them into the fœderal union of these States, in case

¹ This motion, undated, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, IV, folio 549. Apparently, it was submitted this day. See *post*, May 31. The New York motion was made May 13.

the United States in Congress Assembled shall determine to recognize their Independence, and thereof make report."

"And it is hereby recommended to the People of the Territory aforesaid or their Representative Body to appoint an Agent or Agents to repair immediately to Philadelphia with full powers and Instructions to confer with the said Committee on the Matters aforesaid and on behalf of the said People to agree upon and ratify terms and Articles of Union and Confederation with the United States of America, in case they shall be admitted into the Union, and the said Committee are hereby instructed to give Notice to the Agents of the States of New Hampshire and New York to be present at the Conference aforesaid."

And on the 8th day of said August a Committee was accordingly appointed, who afterwards had a conference with Jonas Fay, Ira Allen and Bezaleel Woodward Agents appointed by the Authority of the People Inhabiting the said Territory called the New Hampshire Grants to repair to Congress and to propose and receive from them terms of a Union with the United States.

That the Committee appointed as aforesaid having made their report to Congress on the 20th day of August 1781, came to the following resolution. "It being the fixed purpose of Congress to adhere to the Guarantee to the States of New Hampshire and New York contained in the resolutions of the 7th instant.

Resolved, That it be an indispensable preliminary to the recognition of the Independence of the people inhabiting the Territory called Vermont and their admission into the fœderal Union that they explicitly relinquish all demands of lands or Jurisdiction on the East Side of the West Bank of Connecticut River and on the West side of a line beginning at the Northwest Corner of the State of Massachusetts, thence running twenty Miles East of Hudson's River so far as the said River runs North Easterly in its General course, then by the West Bounds of the Townships granted by the late Government of New Hampshire, to the River running from South Bay to Lake Champlain, thence along the s^d River to Lake Champlain, thence along the waters of Lake Champlain to the Latitude of forty five degrees North excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain" which resolution was agreed to by nine States.

That on 19th of October, 1781, The Assembly of Vermont taking into their Consideration the aforesaid Act of Congress, Resolved that

they could not comply with it without destroying the harmony then subsisting in that State and a violation of a solemn compact entered into by articles of union, &c., as appears on the Journal of Congress of the 4th of April, 1782.

That afterward, on the 22nd day of February, 1782, the people inhabiting the said Territory called Vermont by their Representatives in General Assembly, in compliance with the aforesaid Act of Congress then remaining unaltered and unrepealed, came to the following resolutions, to wit

Resolved, That the West Bank of Connecticut River and a line beginning at the North West Corner of the Commonwealth of Massachusetts from thence Northward twenty Miles East of Hudsons River as specified in the Resolutions of Congress in August last shall be considered at the East and West Boundaries of this State, and that this Assembly do hereby relinquish all claims and demands to, and Jurisdiction in and over any and every District of Territory without said Boundary lines."

And afterward in said month of Feb^r, 1782, the said General Assembly appointed, Moses Robinson, Paul Spooner, Isaac Tichenor and Jonas Fay Esq^{rs} Agents with plenary powers on behalf of the people of the said District to negotiate and agree on terms for their admission into Confederation with these United States, and upon such admission to represent the said State of Vermont in Congress, and it being now represented by the State of New York, that great danger and distress will arise from a further delay of the decision of the said Controversy, and the people of Vermont having complied as aforesaid with the terms prescribed by Congress as a preliminary to the recognition of their Independence. Your Committee submit the following resolves:

Resolved, That the District of Territory lying on the west side of Connecticut River called Vermont within the limits and boundaries described in the Act of Congress of the 20th of August, 1781, and the people inhabiting the same be, and they are hereby recognized and declared to be a free Sovereign and Independent State by the name of the State of Vermont.

That the said State of Vermont being within the limits of the United States shall be considered as a part of the Confederacy, on the same principles as the new States who shall have established permanent Governments agreeably to the Act of Congress of the 23 day of

April last, until it shall accede to the Articles of Confederation and be admitted into the Fœderal Union of the States.

Resolved, That Congress adhere to the Guarantee to the States of New Hampshire and New York agreeably to the resolutions of the 7th and 20th days of August, 1781, and if it shall appear on running the line between the States of New York and Vermont that the latter hath made any Encroachments on the Territory of the former the same shall be immediately removed.

Your Committee further report with respect to the matters alledged by the Delegates of New York concerning the sufferings of Individuals by banishment and Confiscation of property and the disorders and violences that have happened in consequence of the opposite and interfering Jurisdictions exercised by the State of New York and the Government of Vermont over the same persons within the said Districts,

That the several letters and papers from the Governor of New York and the people of Vermont relative to those matters have been heretofore committed and no report hath been made thereon. Your Committee are therefore of opinion, That if Congress shall judge it expedient to take any further order respecting these matters it will be proper again to commit the said papers.¹

MONDAY, MAY 31, 1784.

Congress assembled: Present as before.

The Journal of Saturday being read, a motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Samuel] Hardy, to amend the same, by inserting immediately before the appointment of the Committee of the states, the words following, to come in before the word "Congress."

"The several states having previously made their nominations except in the case of Rhode Island."

On this the previous question was moved by the State of Rhode Island, seconded by the State of Massachusetts:

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 40, II, folios 469, 473. The indorsement states that it was read on this day.

And on the question to agree to the previous question, the yeas and nays being required by Mr. [John Francis] Mercer,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | no | } no |
| Blanchard, | ay | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } no |
| Dana, | ay | | Mr. McHenry, | no | |
| <i>Rhode Island,</i> | | | Stone, | no | |
| Mr. Ellery, | ay | } ay | Chase, | no | |
| Howell, | ay | | <i>Virginia,</i> | | } no |
| <i>Connecticut,</i> | | | Mr. Hardy, | no | |
| Mr. Sherman, | ay | } ay | Mercer, | no | |
| Wadsworth, | ay | | Monroe, | no | |
| <i>New York,</i> | | | <i>North Carolina,</i> | | } no |
| Mr. De Witt, | no | } div. | Mr. Williamson, | no | |
| Paine, | ay | | <i>South Carolina,</i> | | } no |
| <i>New Jersey,</i> | | | Mr. Read, | no | |
| Mr. Stevens, | no | } no | Beresford, | no | |
| Beatty, | no | | | | |
| Dick, | ay | | | | |

So the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [Jonathan] Blanchard, to postpone the motion before the house, in order to take up the following:

“Mr. Blanchard having been previously nominated by the State of New Hampshire, Mr. Dana by Massachusetts, Mr. Ellery by Mr. Dana, Mr. Hillhouse having been nominated by Connecticut, Mr. McDougall by the State of New York, Mr. Dick by New Jersey, Mr. Hand by Pennsylvania, Mr. McHenry by Maryland, Mr. Hardy by Virginia, Mr. Spaight by North Carolina, and Mr. Read by South Carolina; Mr. De Witt having been also nominated for New York by Mr. Beatty, and Mr. Sherman for Connecticut by

Mr. Williamson:"¹ And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [David] Howell,

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } div. | Mr. Mifflin, | no | } no |
| Blanchard, | ay | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry, | ay | } div. | <i>Maryland,</i> | | } * |
| Dana, | no | | Mr. Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } no |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | no | |
| Howell, | ay | | Mercer, | no | |
| <i>Connecticut,</i> | | | Monroe, | ay | |
| Mr. Sherman, | no | } no | <i>North Carolina,</i> | | } no |
| Wadsworth, | no | | Mr. Williamson, | no | |
| <i>New York,</i> | | | Spaight, | no | |
| Mr. De Witt, | no | } div. | <i>South Carolina,</i> | | } div. |
| Paine, | ay | | Mr. Read, | no | |
| <i>New Jersey,</i> | | | Beresford, | ay | |
| Mr. Stevens, | no | } no | | | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So the question was lost.

On the question to agree to the motion before the house, the yeas and nays being required by Mr. [John Francis] Mercer,

| | | | | | |
|-----------------------|----|------|----------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Rhode Island,</i> | | |
| Mr. Foster, | no | } no | Mr. Ellery, | no | } no |
| Blanchard, | no | | Howell, | no | |
| <i>Massachusetts,</i> | | | <i>Connecticut,</i> | | } no |
| Mr. Gerry, | no | } no | Mr. Sherman, | no | |
| Dana, | no | | Wadsworth, | no | |

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, IV, folio 570.

| | | | | | |
|----------------------|----|------------|------------------------|----|-------|
| <i>New York,</i> | | | <i>Maryland,</i> | | |
| Mr. De Witt, | no | } no | Mr. Chase, | no | } * |
| Paine, | no | | <i>Virginia,</i> | | |
| <i>New Jersey,</i> | | | Mr. Hardy, | ay | } ay |
| Mr. Stevens, | no | } no | Mercer, | ay | |
| Beatty, | no | | Monroe, | no | |
| Dick, | no | | <i>North Carolina,</i> | | |
| <i>Pennsylvania,</i> | | | Mr. Williamson, | ay | } ay |
| Mr. Mifflin, | no | } no | Spaight, | ay | |
| Montgomery, | ay | | <i>South Carolina,</i> | | |
| Hand, | no | | Mr. Read, | ay | } diy |
| | | Beresford, | no | | |

So it passed in the negative.

The committee, consisting of Mr. [Thomas] Stone, Mr. [Edward] Hand, Mr. [Jacob] Read, Mr. [John Francis] Mercer and Mr. [John] Beatty, to whom was referred the application of the State of New York, for Congress to declare the number of troops which are necessary to be kept up by the said State, to garrison the forts necessary for the defence thereof, having reported "as their Opinion, that men, including non-commissioned Officers, will be requisite to garrison the forts necessary for the defence of the said State;" and thereupon submitted the following resolution: "That the State of New York be permitted to raise men, including non-commissioned Officers, for the purpose of garrisoning such posts within the said State not possessed by the forces of the United States, as the said State shall judge proper; which troops so to be raised by the State of New York, shall be discharged whenever the United States in Congress assembled, shall so direct." ¹

¹ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 20, I, folio 401.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, that to-morrow be assigned for the consideration of the said report.

And on the question, the yeas and nays being required by Mr. [Jacob] Read,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Miffin, | ay | } ay |
| Blanchard, | no | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | no | } ay | <i>Maryland,</i> | | } ay |
| Dana, | ay | | Mr. McHenry, | ay | |
| Partridge, | ay | | Stone, | ay | |
| <i>Rhode Island,</i> | | | Chase, | ay | |
| Mr. Ellery, | ay | } ay | <i>Virginia,</i> | | } ay |
| Mr. Howell, | ay | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | Mercer, | ay | |
| Mr. Sherman, | ay | } ay | Monroe, | ay | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | ay | } ay |
| Mr. De Witt, | ay | } ay | Spaight, | ay | |
| Paine, | ay | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } ay |
| Mr. Stevens, | ay | } ay | Beresford, | ay | |
| Beatty, | ay | | | | |
| Dick, | ay | | | | |

So it was resolved in the affirmative.

The Committee consisting of M^r [Edward] Hand, M^r [Samuel] Hardy and M^r [James] Monroe to whom was referred a Motion of M^r [Elbridge] Gerry, beg leave to report the following resolutions.

Resolved, That the Secretary at War or Officer having the direction of the War Office be and he is hereby authorized and directed to take effectual measures for having the arms of the United States, repaired and for keeping them in a state of preservation.

Resolved, That the Superintendent of Finance be and he hereby is directed to furnish the money which may from time to time be necessary to carry the foregoing resolution into effect.¹

[Motion of M^r Dana, M^r Gerry. Referred to M^r Edward Hand, M^r Samuel Hardy, M^r James Monroe.]

Whereas the United States in Congress Assembled did on the 15th day of February, 1781, instruct the Hon^{ble} John Jay, Esquire, Minister Plenipotentiary to the Court of Spain, to recede from the instructions given to him on the 29th of September 1779 and 4th of October 1780 relative to the claim of the United States to the free navigation of the river Mississippi &c. "so far as they insist on the free navigation of that part of the river Mississippi which lies below the 31st degree of North latitude and on a free port or ports below the same, provided such cession shall be unalterably insisted on by Spain, and provided the free navigation of the said river above the said degree of North latitude shall be acknowledged and guarantied by his Catholic Majesty to the Citizens of the United States in common with his own subjects," and ordered him at the same time to "exert every possible effort to obtain from his Catholic Majesty the use of the river aforesaid with a free port or ports below the said 31st degree of North latitude for the citizens of the United States under such regulations and restrictions only as may be a necessary safeguard against illicit commerce."

And whereas the instructions given to the said Minister Plenipotentiary, on the 7th day of August 1782 may not be considered as a plenary revocation of the instructions given to him on the 15th day of February 1781 and there is reason to think that the last mentioned instructions came to the knowledge of the Minister of Spain previously to the reception of them by M^r Jay, and it is of the utmost importance to the interest of the United States that the citizens thereof should enjoy the free navigation of the said river Mississippi.

Therefore Resolved, That the Ministers Plenipotentiary to negotiate Commercial treaties &c. with foreign powers be instructed in any negotiations they may enter upon with the Court of Spain to assert in the strongest terms the right of the citizens of these United States

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 27, folio 269. It is undated, but Committee Book, No 186, gives it this date.

to the free navigation of the river Mississippi from its source to the Ocean, and not to cede the said right in any event whatsoever.¹

The Committee of the week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Reed] report,

That the memorial of Adam Hoops late an officer in the Continental service praying to be appointed a surveyor in a district in the western territory, when Congress shall be ready to make such appointments accompanied by a certificate from D^r Ewing and M^r Patterson of the University of Pennsylvania be lodged on the files of Congress.²

TUESDAY, JUNE 1, 1784.

Congress assembled: Present, eleven states as before.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman, in the words following:

Whereas the president is authorised and directed to adjourn Congress on the 3d of June, to meet on the 30th of October next at Trenton, and many important matters require the immediate decision of Congress:

Resolved, That until the adjournment, Congress will meet precisely at nine in the Morning, and adjourn at two in the afternoon; meet again at four, and adjourn at eight o'clock in the Evening.³

¹ This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, II, folio 405. By the indorsement, it was dated this day. It does not appear that the Committee reported.

On this day, the indorsement states, was read a petition of Nathan Fuller and referred to Mr. [Edward] Hand, Mr. [Sanuel] Hardy and Mr. [James] Monroe. It is in No. 42, III, folio 111. The indorsement continues: "May 3^d 1786 referred to Commissioner of Army accts. to report. Reported May 24th 1786."

² This report, in the writing of Jacob Read is in the *Papers of the Continental Congress*, No. 32, folio 569. It is undated, but was delivered by this committee, this week. Hoops's memorial, dated May 31, was read in Congress that day. It is in No. 41, IV, folio 224. It was ordered filed.

³ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 543.

A motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read, to postpone that Motion, in order to take up the following:

Whereas the president is authorised and directed to adjourn Congress on the 3 of June, to meet on the 30 of October next at Trenton, and many important matters require the immediate decision of Congress:

Resolved, That the act of 26 April, empowering the president to adjourn Congress on the 3d instant, be repealed; and that this Congress will adjourn itself on the 12 instant to meet at Trenton on the 30th October next.¹

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | no | } no |
| Blanchard, | no | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry, | no | } no | <i>Maryland,</i> | | } no |
| Dana, | no | | Mr. McHenry, | no | |
| Partridge, | no | | Stone, | no | |
| <i>Rhode Island,</i> | | | Chase, | no | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | } ay |
| Howell, | no | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | no | } no | Monroe, | no | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | } * |
| <i>New Jersey,</i> | | | Mr. Read, | ay | |
| Mr. Stevens, | no | } no | | | |
| Beatty, | ay | | | | |
| Dick, | no | | | | |

So it passed in the negative.

¹ This resolution, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 36, IV, folio 545.

On motion of Mr. [Roger] Sherman, seconded by Mr. [Thomas] Stone, the Motion before the house was amended, by striking out the preamble.

And on the question to agree to the motion as amended, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | | | | | |
|-----------------------|----|---|------|------------------------|----|-----------------|----|---|------|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | ay | } | ay | | |
| Blanchard, | ay | | | Montgomery, | ay | | | | |
| <i>Massachusetts,</i> | | | | Hand, | ay | | | | |
| Mr. Gerry, | ay | } | ay | <i>Maryland,</i> | | } | ay | | |
| Dana, | ay | | | Mr. McHenry, | ay | | | | |
| Partridge, | ay | | | Stone, | ay | | | | |
| <i>Rhode Island,</i> | | | | Chase | ay | | | | |
| Mr. Ellery, | ay | } | ay | <i>Virginia,</i> | | } | ay | | |
| Howell. | ay | | | Mr. Hardy, | ay | | | | |
| <i>Connecticut,</i> | | | | Lee, | ay | | | | |
| Mr. Sherman, | ay | } | ay | Monroe, | ay | | | | |
| Wadsworth, | ay | | | <i>North Carolina,</i> | | Mr. Williamson, | ay | } | div. |
| <i>New York,</i> | | | | Spaight, | no | | | | |
| Mr. De Witt, | ay | } | div. | <i>South Carolina,</i> | | } | * | | |
| Paine, | no | | | Mr. Read, | ay | | | | |
| <i>New Jersey,</i> | | | | | | | | | |
| Mr. Stevens, | ay | } | ay | | | | | | |
| Beatty, | ay | | | | | | | | |
| Dick, | ay | | | | | | | | |

So it was *Resolved*, That until the adjournment, Congress will meet precisely at nine in the morning, and adjourn at two in the afternoon; meet again at four, and adjourn at eight o'clock in the evening.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge,

That the 22 Rule of Congress, be suspended until the adjournment on Thursday next.

A motion was made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to postpone that motion, in order to take up the report of the committee, to whom was referred

the application of the State of New York, to Congress, for certain arms furnished by the said State for the use of the United States,¹ and which report is in the words following:

The Committee [Mr. Edward Hand, Mr. Thomas Stone and Mr. Roger Sherman] to whom were referred concurrent Resolutions of the Senate and Assembly of the State of N. Y. dated the 30th and 31st March and 14th April together with two letters from Governor Clinton dated the 16th April 1784 are of opinion that the Resolutions of the Senate and Assembly of N. Y. passed the 30th and 31st March in consequence of the recommendation of Congress of the 14th Jany. last and transmitted to Congress by Governor Clinton contain mere matter of information, and that the receipt of these communications should be acknowledged by the President.

“It appears to the committee, by the resolves of the 14th of April, and by governor Clinton’s letter, that a number of muskets, bayonets and accoutrements, the property of the corporation of the City of New York, were in the commencement of the war, taken to arm the troops raised in the State of New York; about 1050 of which, it appears by the certificates of Major-General McDougall, have been detained by Major-General Schuyler, who commanded the northern department, for the use of the continent. It also appears by the governor’s letter, that two howitzers lent by the State of New York to the United States, have not been returned; and the governor requests, that these muskets, bayonets and accoutrements, with the two howitzers, may be replaced. Your committee are of opinion, that the State of New York has a just claim on the United States for these muskets, bayonets and accoutrements; but as they presume that arms and accoutrements have been furnished by other states to arm the troops of the United States, and it cannot be known whether there is a sufficiency remaining in the public stores, to replace the whole number supplied by

¹ This motion, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, IV, folio 555.

the several states, until returns of the arms so furnished shall have been made; and as in their opinion, equal justice should be extended to all, they submit the following resolutions:

That the Secretary in the War Office, and the commissary of military and ordnance stores, be, and they are hereby ordered to ascertain and report to Congress, without loss of time, the precise number of muskets, bayonets and accoutrements, which have been furnished by the different states, for the use of the United States, in the course of the late war:

That so soon as Congress shall be informed of the number of arms and accoutrements furnished by the several states, to the United States, the arms and accoutrements so furnished shall be returned in kind and equal value, if a sufficiency for this purpose can be spared from the public stores: and that if a sufficient number cannot be spared, a just proportion of what can be spared, shall be returned to the states respectively, and credit given them for the value of the remainder:

That the commanding officer of the troops in the service of the United States be, and he hereby is directed to deliver to the order of his Excellency the Governor of the State of New York, two howitzers, of equal value with those lent by that State to the United States.”¹

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | | |
|-----------------------|----|--------|--|----------------------|----|------|
| <i>New Hampshire,</i> | | | | <i>Rhode Island,</i> | | |
| Mr. Foster, | no | } div. | | Mr. Howell, | ay | } * |
| Blanchard, | ay | | | <i>Connecticut,</i> | | |
| <i>Massachusetts,</i> | | | | Mr. Sherman, | no | } no |
| Mr. Gerry, | no | } no | | Wadsworth, | no | |
| Dana, | no | | | | | |
| Partridge, | no | | | | | |

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 20, I, folio 397.

| | | | | | | | | | |
|----------------------|----|---|----|------------------------|----|-----------------|----|---|----|
| <i>New York,</i> | | | | <i>Virginia,</i> | | | | | |
| Mr. De Witt, | ay | } | ay | Mr. Hardy, | no | } | no | | |
| Paine, | ay | | | Mercer, | no | | | | |
| <i>New Jersey,</i> | | | | Lee, | ay | | | | |
| Mr. Stevens, | no | } | no | Monroe, | no | | | | |
| Dick, | no | | | <i>North Carolina,</i> | | Mr. Williamson, | no | } | no |
| <i>Pennsylvania,</i> | | | | Spaight, | no | | | | |
| Mr. Mifflin, | no | } | no | <i>South Carolina,</i> | | | | | |
| Montgomery, | no | | | Mr. Read, | no | } | no | | |
| Hand, | ay | | | Beresford, | no | | | | |
| <i>Maryland,</i> | | | | | | | | | |
| Mr. McHenry, | no | } | no | | | | | | |
| Stone, | no | | | | | | | | |
| Chase, | no | | | | | | | | |

So it passed in the negative.

A motion was then made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to postpone the motion before the house, for the purpose of taking into consideration an act of Congress, containing a rule of order, that when a member makes a motion, and Congress judges it out of order, said motion shall not be entered on the journal.¹

On this the previous question was moved by the states of Virginia ~~seconded by~~ and Maryland.

And on the question to agree to the previous question, the yeas and nays being required by Mr. [Samuel] Hardy,

| | | | | | | | |
|-----------------------|----|---|----|---------------------|----|--------------|------|
| <i>New Hampshire,</i> | | | | <i>Connecticut,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Sherman, | ay | } | div. |
| Blanchard, | ay | | | Wadsworth, | no | | |
| <i>Massachusetts,</i> | | | | <i>New York,</i> | | | |
| Mr. Gerry, | ay | } | ay | Mr. De Witt, | no | } | no |
| Dana, | ay | | | Paine, | no | | |
| Partridge, | ay | | | <i>New Jersey,</i> | | Mr. Stevens, | ay |
| <i>Rhode Island,</i> | | | | Dick, | ay | | |
| Mr. Ellery, | no | } | no | | | | |
| Howell, | no | | | | | | |

¹ This motion, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, IV, folio 559.

| | | | | | |
|----------------------|----|------|------------------------|----|------|
| <i>Pennsylvania,</i> | | | <i>Virginia,</i> | | |
| Mr. Mifflin, | ay | } ay | Mr. Hardy, | ay | } ay |
| Montgomery, | ay | | Mercer, | ay | |
| Hand, | ay | | Lee | no | |
| <i>Maryland,</i> | | | Monroe, | ay | |
| Mr. McHenry, | ay | } ay | <i>North Carolina,</i> | | |
| Stone, | ay | | Mr. Williamson, | ay | } ay |
| Chase, | ay | | Spaight, | ay | |
| | | | <i>South Carolina,</i> | | |
| | | | Mr. Read, | no | } no |
| | | | Beresford, | no | |

So it was resolved in the affirmative, and the motion was set aside.

When the main question was about to be put, the State of New York moved in right of the State, that the determination thereof be postponed till to-morrow.

A question of order was moved, whether the motion of New York is in order.

And on the question, is the motion of the State of New York in order? the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | |
|-----------------------|----|--------|----------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>New Jersey,</i> | | |
| Mr. Foster, | no | } div. | Mr. Stevens, | no | } div. |
| Blanchard, | ay | | Dick, | ay | |
| <i>Massachusetts,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Dana, | no | | Montgomery, | ay | |
| Partridge, | ay | | Hand, | ay | |
| <i>Rhode Island,</i> | | | <i>Maryland,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. McHenry | ay | } ay |
| Howell, | ay | | Stone, | ay | |
| <i>Connecticut,</i> | | | Chase, | ay | |
| Mr. Sherman, | no | } div. | <i>Virginia,</i> | | |
| Wadsworth, | ay | | Mr. Hardy, | no | } div. |
| <i>New York,</i> | | | Mercer, | no | |
| Mr. De Witt, | ay | } ay | Lee, | ay | |
| Paine, | ay | | Monroe, | ay | |

| | | | | | | |
|------------------------|----|--------|--|------------------------|----|------|
| <i>North Carolina,</i> | | | | <i>South Carolina,</i> | | |
| Mr. Williamson, | ay | } div. | | Mr. Read, | no | } no |
| Spaight, | no | | | Beresford, | no | |

So the question was lost.

On the question to agree to the motion, "That the 22d rule of Congress be suspended, until the adjournment on Thursday next:" the yeas and nays were required by Mr. [Elbridge] Gerry,

| | | | | | | |
|-----------------------|----|--------|--|------------------------|----|--------|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | | Hand, | no | |
| Mr. Gerry, | ay | } ay | | <i>Maryland,</i> | | } no |
| Dana, | ay | | | Mr. McHenry, | no | |
| Partridge, | ay | | | Stone, | ay | |
| <i>Rhode Island,</i> | | | | Chase, | no | |
| Mr. Ellery, | no | } no | | <i>Virginia,</i> | | } ay |
| Howell, | no | | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | | Mercer, | ay | } ay |
| Mr. Sherman, | ay | } div. | | Lee, | no | |
| Wadsworth, | no | | | Monroe, | ay | |
| <i>New York,</i> | | | | <i>North Carolina,</i> | | |
| Mr. De Witt, | no | } no | | Mr. Williamson, | ay | } ay |
| Paine, | no | | | Spaight, | ay | |
| <i>New Jersey,</i> | | | | <i>South Carolina,</i> | | |
| Mr. Stevens, | no | } div. | | Mr. Read, | no | } div. |
| Dick, | ay | | | Beresford, | ay | |

So the question was lost.

A motion was then made by Mr. [Francis] Dana, seconded by Mr. [Elbridge] Gerry,

That the 22d Rule of Congress be suspended until the end of the present session.

A motion was made by Mr. [Ephriam] Paine, seconded by Mr. [Charles] De Witt, to postpone that motion, in order to take up the following:

“I move that the opinion of the house be taken on the following question, viz. Can a member be out of order for making a motion conformable to some rule of the house?”¹

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Ephriam] Paine,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | no | } no |
| Blanchard, | no | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | no | |
| Mr. Gerry, | no | } no | <i>Maryland,</i> | | } no |
| Dana, | no | | Mr. McHenry, | no | |
| <i>Rhode Island,</i> | | | Stone, | no | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | } no |
| Howell, | no | | Mr. Hardy, | no | |
| <i>Connecticut,</i> | | | Mercer, | no | |
| Mr. Sherman, | no | } no | Monroe, | no | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } no |
| <i>New York,</i> | | | Mr. Williamson, | no | |
| Mr. De Witt, | ay | } ay | Spaight, | no | |
| Paine, | ay | | <i>South Carolina,</i> | | } no |
| <i>New Jersey,</i> | | | Mr. Read, | no | |
| Mr. Stevens, | no | } no | Beresford, | no | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So it passed in the negative.

On the question to agree to the motion before the house, the yeas and nays being required by Mr. [Ephraim] Paine,

¹ This motion, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, IV, folio 547.

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } div. |
| Dana, | ay | | Mr. McHenry, | no | |
| <i>Rhode Island,</i> | | | Stone, | ay | |
| Mr. Ellery, | ay | } div. | <i>Virginia,</i> | | } ay |
| Howell, | no | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | Mercer, | ay | |
| Mr. Sherman, | ay | } div. | Monroe, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | | Mr. Read, | ay | |
| Mr. Stevens, | ay | } ay | Beresford, | ay | |
| Beatty, | ay | | | | |
| Dick, | ay | | | | |

So it was resolved in the affirmative,

That the 22d rule of Congress be suspended, until the end of the present session.

A motion was then made by Mr. [James] Monroe, seconded by Mr. [David] Howell, which being amended to read as follows:

That General Knox be instructed to order 350 men properly Officered, of the troops now in the service of the United States, to march immediately, to be in readiness to take possession of the Western posts, as soon as evacuated by the troops of his britannic Majesty. That 700 men, officers included, to serve for the term of three years, unless sooner discharged, be raised for the relief of those troops, the protection of the western frontiers, and for guarding the public stores; and that the several states furnish their quotas in the following proportions, viz.

That General Knox be instructed to make arrangements for the rendezvous of those troops, and report thereon to the committee of the states.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Francis] Dana, to amend the motion by adding, that the states of New Hampshire and Massachusetts be exonerated by the United States from the extra pay of such of the soldiers of their respective lines as may march to the western posts, from the time of their marching until they shall be discharged; reserving to those states their claims to be exonerated from the residue of such extra pay, due since the 3d of November last to such of the troops as have been detained in the continental service from that time, (when the rest of the continental army was disbanded) until the said troops shall be respectively discharged.¹

A division of the amendment was called for; and on the question to agree to the first part, as far as "reserving," exclusive, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | |
|-----------------------|----|------|----------------------|----|------|
| <i>New Hampshire,</i> | | | <i>New York,</i> | | |
| Mr. Foster, | ay | } ay | Mr. De Witt, | no | } no |
| Blanchard, | ay | | Paine, | no | |
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. Stevens, | ay | } ay |
| Dana, | ay | | Beatty, | ay | |
| Partridge, | ay | | Dick, | ay | |
| <i>Rhode Island,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Howell, | ay | | Montgomery, | ay | |
| <i>Connecticut,</i> | | | Hand, | ay | |
| Mr. Sherman, | ay | } ay | <i>Maryland,</i> | | } ay |
| Wadsworth, | ay | | Mr. McHenry, | ay | |
| | | | Stone, | ay | |

¹ The combined motions of Monroe and Gerry, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 36, IV, folio 81.

| | | | | | | |
|------------------------|----|---|----|------------------------|----|---|
| <i>Virginia,</i> | | | | <i>South Carolina,</i> | | |
| Mr. Hardy, | ay | } | ay | Mr. Read, | ay | } |
| Monroe, | ay | | | Beresford, | ay | |
| <i>North Carolina,</i> | | | | | | |
| Mr. Williamson, | ay | } | ay | | | |
| Spaight, | ay | | | | | |

So it was resolved in the affirmative.

On the question to agree to the second clause, "reserving, &c." to the end, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | | | |
|-----------------------|----|---|----|------------------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | ay | } | |
| Blanchard, | ay | | | Montgomery, | ay | | |
| <i>Massachusetts,</i> | | | | Hand, | ay | | |
| Mr. Gerry, | ay | } | ay | <i>Maryland,</i> | | | |
| Dana, | ay | | | Mr. McHenry, | ay | } | ay |
| Partridge, | ay | | | Stone, | ay | | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | | |
| Mr. Ellery, | ay | } | ay | Mr. Hardy, | ay | } | |
| Howell, | ay | | | Monroe, | ay | | |
| <i>Connecticut,</i> | | | | <i>North Carolina,</i> | | | |
| Mr. Sherman, | ay | } | ay | Mr. Williamson, | ay | } | |
| Wadsworth, | ay | | | Spaight, | no | | |
| <i>New York,</i> | | | | <i>South Carolina,</i> | | | |
| Mr. De Witt, | no | } | no | Mr. Read, | ay | } | |
| Paine, | no | | | Beresford, | ay | | |
| <i>New Jersey,</i> | | | | | | | |
| Mr. Stevens, | ay | } | ay | | | | |
| Beatty, | ay | | | | | | |
| Dick, | ay | | | | | | |

So it was resolved in the affirmative.

A motion was then made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to amend further, by inserting, "except Oswego and Niagara," after the words "western posts:"¹

¹ This amendment, in the writing of Charles De Witt, is in the *Papers of the Continental Congress*, No. 36, IV, folio 553.

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Mifflin, | no | } no |
| Blanchard, | no | | Montgomery, | no | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | no | } no | <i>Maryland,</i> | | } no |
| Dana, | no | | Mr. McHenry, | no | |
| Partridge, | no | | Stone, | no | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } no |
| Mr. Ellery, | no | } no | Mr. Hardy, | no | |
| Howell, | no | | Monroe, | no | |
| <i>Connecticut,</i> | | | <i>North Carolina,</i> | | } no |
| Mr. Sherman, | no | } no | Mr. Williamson, | no | |
| Wadsworth, | no | | Spaight, | no | |
| <i>New York,</i> | | | <i>South Carolina,</i> | | } no |
| Mr. De Witt, | ay | } ay | Mr. Read, | no | |
| Paine, | ay | | Beresford, | no | |
| <i>New Jersey,</i> | | | | | |
| Mr. Stevens, | no | } no | | | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So it passed in the negative.

FOUR O'CLOCK, P. M.

The president being absent, Congress proceeded to the election of a chairman; and, the ballots being taken, Mr. [Thomas] Stone was elected.

A letter from the Supreme executive Council of Pennsylvania, was read, in the words following:

IN COUNCIL, PHILADELPHIA, *May 28, 1784.*

SIR, Some days ago an insult was offered by a Frenchman, to Mr. de Marbois, in the Hotel of the Minister of France; and afterwards an assault was made upon him by the same person, in a street of this city. The offender has been arrested by our direction, under a warrant of a judge of the

supreme court, and is now confined in the common prison, where we have ordered him to be detained. Our respect for Congress induces us to inform them of this affair, and we should have done ourselves the honor of making the communication sooner, but that the criminal was not in confinement till yesterday. We should be much pleased to be favoured with the sentiments of Congress upon this business, being extremely desirous that our proceedings may correspond with their judgment, and to testify our determined resolution, with all our powers, to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest our entire regard for the representatives of the sovereignty of the union. With the most perfect esteem, I have the honor to be, sir, &c.

(Signed) JOHN DICKINSON.¹

His Excellency the President of Congress.

Whereupon, the following was moved by Mr. [Edward] Hand, seconded by Mr. [John] Montgomery, "That Congress highly approve the determined resolution of the supreme executive council of the State of Pennsylvania, to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest their entire regard for the representatives of the Sovereignty of the Union, expressed by their letter of the 28th instant.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson, "That the letter with the motion be committed:" And on the question to commit, the yeas and nays being required by Mr. [Edward] Hand,

¹ This letter and the motion and vote upon it were also entered in the manuscript Secret Journal, Foreign Affairs.

| | | | | | |
|-----------------------|----|--------|------------------------|----------|------|
| <i>New Hampshire,</i> | | | <i>New Jersey,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Stevens, | ay | } ay |
| Blanchard, | ay | | Beatty, | no | |
| <i>Massachusetts,</i> | | | Dick, | ay | |
| Mr. Gerry, | ay | } ay | <i>Pennsylvania,</i> | | } no |
| Dana, | ay | | Mr. Montgomery, | no | |
| Partridge, | ay | | Hand, | no | |
| <i>Rhode Island,</i> | | | <i>Maryland,</i> | | } ay |
| Mr. Ellery, | ay | } ay | Mr. McHenry, | ay | |
| Howell, | ay | | Stone, | ay | |
| <i>Connecticut,</i> | | | <i>Virginia,</i> | | } ay |
| Mr. Sherman, | ay | } ay | Mr. Hardy, | ay | |
| Wadsworth, | ay | | Monroe, | ay | |
| <i>New York,</i> | | | <i>North Carolina,</i> | | } ay |
| Mr. De Witt, | ay | } div. | Mr. Williamson, | ay | |
| Paine, | no | | | Spaight, | ay |
| | | | <i>South Carolina,</i> | | } ay |
| | | | Mr. Read, | ay | |
| | | | Beresford, | ay | |

So it was resolved in the affirmative.

On motion of Mr. [Charles] De Witt, seconded by Mr. [Elbridge] Gerry,

Whereas on the 25 day of January, 1776, Congress did resolve, that a monument be procured at Paris, or any other place in France, with an inscription, sacred to the Memory of General Montgomery; which, in consequence thereof, was procured and sent to the care of Mr. Hewes, in North Carolina, and is now supposed to be in the care of his executors:

Resolved, That the executors of Joseph Hewes, esq. be requested to send the said monument by the first opportunity to ——— in New York [or the person in whose hands the Monument is, be requested to deliver the same to the order of the Superintendent of finance, to be transported to the City of New York,] to be erected in such part of the State of New York, as the legislature thereof

may judge proper; and that the expence accruing thereon, be paid by the United States of America.¹

The President having requested the decision of Congress in the following question,

Is it expedient that the President should continue in Office during the recess of Congress?

On motion of Mr. [James] McHenry, seconded by Mr. [Edward] Hand,

Resolved, That it is the sense of Congress, that on the adjournment of the present Congress, the duties of their President cease; and that when the United States assemble pursuant to such adjournment, or in consequence of a call from the Committee of the states, his Excellency Thomas Mifflin, do resume the chair.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [Roger] Sherman, to whom was referred a letter from the paymaster general,

Resolved, That the Supreme executive of the State of Virginia, be requested to instruct their auditors, to furnish the officer who is appointed to settle the accounts of the line of the army, with such accounts or extracts from the settlements they have made with the line of that State, as may be necessary to enable him finally to close the accounts of those officers with the United States.

That in settling the accounts of the line of the army, the paymaster general be, and he hereby is authorised to settle with the commissioned officers on their oath, and with non-commissioned officers and privates, on a certificate from the field officer who commanded them, in cases where, from capture, or other inevitable disasters, the musters or vouchers

¹ This report, in the writing of Charles De Witt, except the part in brackets, which is in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 403.

have been lost, and where from circumstances he shall be convinced that other satisfactory and more regular evidence is not to be obtained.

That in settling the accounts of the deputy-paymasters in the main and southern armies, who are appointed in pursuance of the act of the 8th of April, 1782, they be allowed at the rate of seventy-five dollars per month, while they were in service, including such advances as have been made under the head of subsistence, or otherwise.

That Hezekiah Witmore's account be credited for the sum of eight hundred and seventy-three dollars, on his making oath that such a sum of the public money has been lost, as stated in his memorial.¹

On the report of a grand committee, consisting of Mr. [Thomas] Stone, Mr. [Jonathan] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Samuel] Hardy, Mr. [Hugh] Williamson and Mr. [Jacob] Read:

Resolved, That the several states shall be credited in their accounts with the United States, for the specie value of all sums by them paid to their officers and soldiers in the continental army, due from the United States; provided such payments shall have been notified to the paymaster general, and by him charged to such officers and soldiers, in settling their accounts with the United States; and said states shall be allowed interest on the sums so paid, from the time of payment.

That the Superintendent of Finance be directed ² to render to Congress a particular statement of the articles comprised under the head of contingencies, in his accounts already

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 1,9 V, folio 185².

² From this point the entries in the Journal are by Benjamin Bankson.

rendered: and that when the said statement, and also his accounts shewing the expenditure of 2,486,511.71, of the 8 millions of dollars, required by a resolve of the 30th of October, 1781, shall be rendered, the Committee of the States shall transmit a copy of the said statement, and also of such expenditures, specifying contingencies, to any State whose delegates may require the same.

That 190,000 dollars, and 687,828 dollars, contained in the estimate of the 18th of April, 1783, being comprised in the requisition of the present years under the article of interest of the domestic debt, to the 31st of December, 1782, are, when paid agreeably to the said requisition, to be deducted from the estimate first mentioned.¹

On a report of the same committee, to whom was referred a motion of Mr. [Elbridge] Gerry, relative to contractors for ox teams and conductors, in the State of Massachusetts:

~~That ox teams and conductors were contracted for in consequence of orders from the Quarter Master General for the Campaign of 1781 under an assurance that the persons contracting to furnish such teams and conductors would be paid in specie or other money equivalent, the contract for the hire of these teams being made before and the service performed after the appointment of the Superintendant of Finance, he did not think it proper to apply the money which came into the Treasury after his appointment to the discharge of the sums due to the contractors for these teams.~~

~~That application has been made to the State of Massachusetts by the Contractors, but the State has refused to pay them unless authorised to deduct the money paid out of the requisitions made by Congress; and that the money~~

¹ This report, in the writing of Elbridge Gerry, except the first paragraph, which is in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, I, folio 163.

~~due upon all past requisitions, and also what will be due upon the requisition for the current year, is appropriated and cannot be applied to the payment of this claim;~~

Resolved, That the superintendant of finance be, and he hereby is directed forthwith to give orders for ascertaining the sums due to the contractors in the Commonwealth of Massachusetts, for ox teams and conductors employed in the campaign of 1781; and to draw for payment thereof on the said State; which is hereby authorised to charge such sums with interest from the time of advancing the same, as part of the state's quota which may be made for the year 1785.¹

The committee of the week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] having duly considered a letter from John Ross praying congress to come to a determination on his claims against the United States, beg leave to report, that the report of a Committee thereon delivered in to Congress May 2, 1783, be the order of the day for to-morrow.²

The committee of the week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] report, that the memorial of Cap^t Samuel Deany praying to be employed on the Lakes be filed for the further order of Congress.³

The Committee of the Week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] report that the petition of Captain Von Heer be read in Congress.⁴

¹ This report, in the writing of Thomas Stone, is in the *Papers of the Continental Congress*, No. 22, folio 191. Here Charles Thomson resumes the entries in the Journal.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 32, folio 571. The indorsement states that it was read on this day.

³ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 41, II, folio 512. It is endorsed on the memorial. The memorial is on folio 509. It was presented on this or an approximate date.

⁴ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 62. It was presented on this or an approximate date. Von Heer's petition is on folio 59.

The committee of the week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] to whom were referred the petition of Bartholomew Von Heer late a captain in the service of the U. S., having considered the same and the documents communicated therewith, beg leave to submit the following resolve

Resolved, That the instructions of the 22 January last to the superintendant of finance in favor of certain foreign officers be considered by him as extending to Bartholomew Von Heer, late a captain in the service of the U. S. of America.¹

The Committee of the Week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] report that the business within referred to, is put into a proper channel already, being matter of demand for supplies and that this application lay on the files of Congress.²

WEDNESDAY, JUNE 2, 1784.

Congress assembled: Present, eleven states as before. Mr. [Thomas] Stone in the chair.

The report of the committee, consisting of Mr. [Richard Dobbs] Spaight, Mr. [Samuel] Hardy and Mr. [James] McHenry, to whom was referred a letter of 23 November, from the hon^{ble} the minister plenipotentiary of the United Netherlands, together with his note respecting the capture and condemnation of the sloop *Chester*, being under consideration, and which is in the words following:

“That they have duly considered the matter to them referred, and are of opinion, that as there was no appeal

¹ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 69. The indorsement states that it was read this day.

² This report is in the *Papers of the Continental Congress*, No. 78, VI, folio 238. Apparently it was presented about this time. The business was a petition of Thomas Chase, late Deputy Quartermaster General, dated April 14 and prays for reimbursement for money advanced to medicines for the army. It is on folio 235.

On this day, as the indorsement states, was read a letter of May 26 from the Superintendent of Finance and referred to Mr. [Samuel] Hardy, Mr. [Hugh] Williamson and Mr. [James] McHenry. The indorsement further refers to the report of the Board of Treasury June 13, 1785. It is in No. 137, III, folio 651.

from the decree of the court of admiralty of the State of South Carolina, to Congress, which ought to have been made and lodged with the secretary of Congress, within 40 days, had there been any intention of questioning the regularity or legality of the condemnation of the said sloop *Chester* at the time of condemnation, or the court of appeals appointed by Congress, the regular and usual manner of bringing maritime causes before them, Congress cannot at this day take up the cause. Your committee therefore recommend, that the minister of the United Netherlands be informed of the above, and advised to apply to the registry of the court of admiralty of the State of South Carolina, from which it will appear whether any and what illegal proceedings were made use of to procure the condemnation of the sloop *Chester* and her cargo: And that if there has been any breach of the laws of nations, or of the instructions issued by Congress to the captains of private ships of war, with letters of marque and reprisal, that the bonds given in the office of the secretary of the State of South Carolina, by the parties receiving such commissions, are liable to be put in suit for the benefit and indemnification of the party injured.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Francis] Dana, that the further consideration thereof be postponed: And on the question for postponing, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | | |
|-----------------------|----|---|----|----------------------|----|---|
| <i>New Hampshire,</i> | | | | <i>Rhode Island,</i> | | |
| Mr. Foster, | ay | } | ay | Mr. Ellery, | ay | } |
| Blanchard, | ay | | | Howell, | ay | |
| <i>Massachusetts,</i> | | } | ay | <i>Connecticut,</i> | | } |
| Mr. Gerry, | ay | | | Mr. Sherman, | ay | |
| Dana, | ay | | | Wadsworth, | ay | |
| Partridge, | ay | | | | | |

| | | | | | | | |
|----------------------|----|---|-----------------|------------------------|----|---|------|
| <i>New York,</i> | | | | <i>Virginia,</i> | | | |
| Mr. De Witt, | ay | } | * | Mr. Hardy, | no | } | div. |
| <i>New Jersey,</i> | | | | Mercer, | ay | | |
| Mr. Stevens, | ay | } | ay | Lee, | no | | |
| Beatty, | ay | | | Monroe, | ay | | |
| Dick, | ay | | | <i>North Carolina,</i> | | | |
| <i>Pennsylvania,</i> | | | Mr. Williamson, | no | | | |
| Mr. Montgomery, | ay | } | div. | Spaight, | no | | |
| Hand, | no | | | <i>South Carolina,</i> | | | |
| <i>Maryland,</i> | | | Mr. Read, | no | | | |
| Mr. McHenry, | ay | } | ay | Beresford, | no | | |
| Stone, | ay | | | | | | |
| Chase, | ay | | | | | | |

So the question was lost.

A motion was then made by Mr. [Francis] Dana, seconded by Mr. [David] Howell,

That the said report be referred to the next meeting of Congress; and that a copy of the note of the minister of the United Netherlands, be transmitted to the supreme executive of the State of South Carolina; and that they be requested to make enquiry into the truth of the facts stated therein, and to transmit the result thereof to the Congress at their next meeting.¹

On the question to agree to this, the yeas and nays being required by Mr. [Francis] Dana,

| | | | | | | | | | |
|-----------------------|----|---|---------|---------------------|----|---|----|---|----|
| <i>New Hampshire,</i> | | | | <i>Connecticut,</i> | | | | | |
| Mr. Foster, | ay | } | ay | Mr. Sherman, | ay | } | ay | | |
| Blanchard, | ay | | | Wadsworth, | ay | | | | |
| <i>Massachusetts,</i> | | | | <i>New York,</i> | | | * | | |
| Mr. Gerry, | ay | } | ay | Mr. De Witt, | no | | | | |
| Dana, | ay | | | <i>New Jersey,</i> | | | | } | ay |
| Partridge, | ay | | | Mr. Stevens, | ay | | | | |
| <i>Rhode Island,</i> | | | Beatty, | no | | | | | |
| Mr. Ellery, | ay | } | ay | Dick, | ay | | | | |
| Howell, | ay | | | | | | | | |

¹ This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 36, II, folio 449.

| | | | | | |
|----------------------|----|------|------------------------|----|--------|
| <i>Pennsylvania,</i> | | | <i>Virginia,</i> | | |
| Mr. Montgomery, | no | } no | Mr. Hardy, | no | } ay |
| Hand, | no | | Mercer, | ay | |
| <i>Maryland,</i> | | | Lee, | ay | |
| Mr. McHenry, | ay | } ay | Monroe, | ay | } div. |
| Stone, | ay | | <i>North Carolina,</i> | | |
| Chase, | ay | | Mr. Williamson, | ay | |
| | | | Spaight, | no | } no |
| | | | <i>South Carolina,</i> | | |
| | | | Mr. Read, | no | |
| | | | Beresford, | no | |

So it was resolved in the affirmative.¹

The motion of Mr. [James] Monroe as amended, was then taken into consideration.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [John Francis] Mercer, to postpone the consideration thereof, in order to take up the following:

That the commanding officer be directed to discharge the several officers and soldiers now in the service of the United States, except 25 privates to guard the stores at Fort Pitt, and 55 to guard the stores at West Point and other magazines, with a proportionate number of officers; no officer to remain in service above the rank of a captain; those privates to be retained who are inlisted on the best terms; provided Congress, before its recess, shall not take other measures respecting the disposition of those troops.²

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Hugh] Williamson,

¹ To this point the proceedings for the day were also entered also in the Secret Journal, Foreign Affairs.

² This motion, in the writing of Hugh Williamson is in the *Papers of the Continental Congress*, No. 36, IV, folio 577.

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } div. | Mr. Montgomery, | ay | } ay |
| Blanchard, | ay | | Hand, | ay | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. McHenry, | ay | } ay |
| Dana, | no | | Stone, | ay | |
| Partridge, | ay | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Ellery, | no | } div. | Mr. Hardy, | ay | } div. |
| Howell, | ay | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Lee, | no | |
| Mr. Sherman, | no | } div. | Monroe, | no | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | ay | } ay |
| Mr. De Witt, | ay | } ay | Spaight, | ay | |
| Paine, | ay | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } ay |
| Mr. Stevens, | no | } no | Beresford, | ay | |
| Beatty, | ay | | | | |
| Dick, | no | | | | |

So the question was lost.

A motion was then made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to postpone the consideration of the subject before the house, in order to take up the report of the committee, on the application of the State of New York, for Congress to declare the number of troops which are necessary to be kept up by the said State, to garrison the forts necessary for the defence thereof: which report is as follows:

That men, including non-commissioned officers, will be requisite to garrison the forts necessary for the defence of the said State; whereupon your committee submit the following resolution:

That the State of New York be permitted to raise men, including non-commissioned officers, for the purpose of garrisoning such posts within the said State, not possessed

by the forces of the United States, as the said State judge proper; which troops, so to be raised by the State of New York, shall be discharged whenever the United States in Congress assembled shall so direct.

[Motion of M^r Ephraim Paine]

Whereas the State of New York has made application to the United States in Congress assembled setting forth that the said State deem it essentially necessary to raise troops to garrison the posts in the northern and western parts thereof and have requested the said United States to declare the number of troops which they may judge necessary for such garrisons.

Resolved, That in the judgement of Congress five hundred troops rank and file properly officered would be sufficient for the State of New York to keep up for the purpose of garrisoning the forts necessary for the defence thereof.¹

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | | | |
|-----------------------|----|---|------|----------------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>New Jersey,</i> | | | |
| Mr. Foster, | no | } | no | Mr. Stevens, | no | } | no |
| Blanchard, | no | | | Beatty, | no | | |
| <i>Massachusetts,</i> | | | | Dick, | no | | |
| Mr. Gerry, | no | } | no | <i>Pennsylvania,</i> | | | |
| Dana, | no | | | Mr. Montgomery, | no | } | no |
| Partridge, | no | | | Hand, | no | | |
| <i>Rhode Island,</i> | | | | <i>Maryland,</i> | | | |
| Mr. Ellery, | no | } | div. | Mr. McHenry, | no | } | no |
| Howell, | ay | | | Stone, | no | | |
| <i>Connecticut,</i> | | | | Chase, | no | | |
| Mr. Sherman, | no | } | no | <i>Virginia,</i> | | | |
| Wadsworth, | no | | | Mr. Hardy, | no | } | no |
| <i>New York,</i> | | | | Mercer, | no | | |
| Mr. De Witt, | ay | } | ay | Lee, | no | | |
| Paine, | ay | | | Monroe, | no | | |

¹ This motion, in the writing of Ephraim Paine, is in the *Papers of the Continental Congress*, No. 36, IV, folio 551.

| | | | | | |
|------------------------|------------------|------|--|------------------------|----|
| <i>North Carolina,</i> | | | | | |
| Mr. Williamson, | ay no | } no | | <i>South Carolina,</i> | |
| Spaight, | ay no | | | Mr. Read, | no |
| | | | | Beresford, | no |

So it passed in the negative.

The motion of Mr. [James] Monroe as amended, being as follows:

That General Knox be instructed to order 350 men properly officered, of the troops now in the service of the United States, to march immediately to be in readiness to take possession of the western posts, as soon as evacuated by the troops of his Britannic Majesty, that 700 men, officers included, to serve for the term of three years, unless sooner discharged, be raised for the relief of those troops, the protection of the western frontiers, and for guarding the public stores; and that the several states furnish their quotas in the following proportions, viz.

That General Knox be instructed to make arrangements for the rendezvous of those troops, and report thereon to the committee of the states. That the States of New Hampshire and Massachusetts be exonerated by the United States from the extra pay of such of the soldiers of their respective lines, as may march to the western posts, from the time of their marching, until they shall be discharged; reserving to those states their claims to be exonerated from the residue of such extra pay, due from the 3 day of November last, to such of their troops as have been detained in the continental service from that time, (when the rest of the continental army was disbanded) until the said troops shall be respectively discharged.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to amend the paragraph, "That 700 men, &c." by inserting immediately before "700," the words "it is necessary that;" and by striking out the words

“and that,” after “stores,” and in lieu thereof, inserting “by;” and then strike out the words “furnish their quotas:” And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | |
|-----------------------|----|------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Montgomery, | no | } no |
| Blanchard, | ay | | Hand, | no | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. McHenry, | no | } no |
| Dana, | ay | | Stone, | no | |
| Partridge, | ay | | Chase, | no | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | no | } no |
| Howell, | ay | | Mercer, | no | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | ay | } ay | Monroe, | no | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | ay | } div. |
| Mr. De Witt, | no | } no | Spaight, | no | |
| Paine, | no | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | no | } no |
| Mr. Stevens, | no | } ay | Beresford, | no | |
| Beatty, | ay | | | | |
| Dick, | ay | | | | |

So the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Richard Dobbs] Spaight, to amend that paragraph, by inserting the words “be, and are hereby required to,” ~~immediately~~ between the words “states” and “furnish.”

A motion was made by Mr. [Francis] Dana, seconded by Mr. [Elbridge] Gerry, to postpone that amendment, in order to admit the following, viz. after “and that,” to insert “it be recommended to;” and after “states,” to insert “to:” And on the question to postpone for the purpose above

mentioned, the yeas and nays being required by Mr. [Francis] Dana,

| | | | | | | | |
|-----------------------|----|---|----|------------------------|----|-----------------|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | |
| Mr. Foster, | ay | } | ay | Mr. Montgomery, | no | } | no |
| Blanchard, | ay | | | Hand, | no | | |
| <i>Massachusetts,</i> | | | | <i>Maryland,</i> | | | |
| Mr. Gerry, | ay | } | ay | Mr. McHenry, | no | } | no |
| Dana, | ay | | | Stone, | no | | |
| Partridge, | ay | | | Chase, | no | | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | | |
| Mr. Ellery, | ay | } | ay | Mr. Hardy, | no | } | no |
| Howell, | ay | | | Mercer, | no | | |
| <i>Connecticut,</i> | | | | Lee, | no | | |
| Mr. Sherman, | ay | } | ay | Monroe, | no | | |
| Wadsworth, | ay | | | <i>North Carolina,</i> | | Mr. Williamson, | no |
| <i>New York,</i> | | | | Spaight, | no | | |
| Mr. De Witt, | no | } | no | <i>South Carolina,</i> | | | |
| Paine, | no | | | Mr. Read, | no | } | no |
| <i>New Jersey,</i> | | | | Beresford, | no | | |
| Mr. Stevens, | no | } | no | | | | |
| Beatty, | no | | | | | | |
| Dick, | no | | | | | | |

So it passed in the negative.

The motion of Mr. [Hugh] Williamson was then withdrawn, and a motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Francis] Dana, to strike out the whole paragraph from "that 700 men," to "proportions," both inclusive: And on the question, shall that paragraph stand the yeas and nays being required by Mr. [Elbridge] Gerry,

| | | | | | | | |
|-----------------------|----|---|----|----------------------|----|---|------|
| <i>New Hampshire,</i> | | | | <i>Rhode Island,</i> | | | |
| Mr. Foster, | no | } | no | Mr. Ellery, | ay | } | div. |
| Blanchard, | no | | | Howell, | no | | |
| <i>Massachusetts,</i> | | | | <i>Connecticut,</i> | | | |
| Mr. Gerry, | no | } | no | Mr. Sherman, | ay | } | div. |
| Dana, | no | | | Wadsworth, | no | | |
| Partridge, | no | | | | | | |

| | | | | | |
|----------------------|----|--------|------------------------|----|------|
| <i>New York,</i> | | | <i>Virginia,</i> | | |
| Mr. De Witt, | ay | } div. | Mr. Hardy, | ay | } ay |
| Paine, | no | | Mercer, | ay | |
| <i>New Jersey,</i> | | | Lee, | ay | |
| Mr. Stevens, | ay | } ay | Monroe, | ay | |
| Beatty, | ay | | <i>North Carolina,</i> | | } ay |
| Dick, | ay | | Mr. Williamson, | ay | |
| <i>Pennsylvania,</i> | | | Spaight, | ay | } ay |
| Mr. Montgomery, | ay | } ay | <i>South Carolina,</i> | | |
| Hand, | ay | | Mr. Read, | ay | |
| <i>Maryland,</i> | | | Beresford, | ay | |
| Mr. McHenry, | ay | } ay | | | |
| Stone, | ay | | | | |
| Chase, | ay | | | | |

So the question was lost, and the paragraph was struck out.

[Motion of Mr. Elbridge Gerry.]

Whereas different opinions exist in Congress, respecting their authority to make requisitions on the several states for land forces in time of peace.

And whereas such a construction of the Confederation as will enable Congress to make requisitions for a small number of land forces for a short period ~~of enlistment~~ must admit an unlimited power ~~in Congress~~ to extend their requisitions both with respect to numbers and time of service, and must preclude the states from a right of deliberating, and leave them only an executive authority on the subject.

And whereas Congress being authorized to make foreign and domestic loans, and to issue bills of credit, if permitted to raise land forces as aforesaid in time of peace, will be furnished with such coercive means as must be very alarming to the several states. ~~and especially to those~~

And whereas standing armies in time of peace, are inconsistent with the principles of republican Governments, dangerous to the liberties of a free people, and generally converted into ~~detestable~~ destructive engines for establishing despotism.

And whereas the United States being remote from nations that have peace establishments may avoid ~~so grievous an expense by~~

~~pursuing the plan of the Confederation~~ the heavy expences thereof and by providing a small number of troops for garrisoning their posts and guarding their magazines and by being always in a state of defence on the plan of the Confederation, which provides that "every state shall always keep up a well regulated and disciplined militia sufficiently armed and accoutred, and shall provide and have constantly ready for use in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and Camp equipage."

And whereas in a matter so doubtful as it respects the authority of Congress, and of such high importance to the Union, it is expedient that the Delegates should take the sense of their Constituents on the subject and it is the duty of Congress in the interim to suspend the exercise of ~~such~~ the powers ~~until measures can be taken to ascertain the same with greater precision and to limit them if necessary~~ aforesaid for that purpose. It is therefore *Resolved*, That recommendations in lieu of requisitions shall be sent to the several states for raising the troops which may be immediately necessary for garrisoning the western posts, and guarding the magazines of the United States, unless Congress should think it expedient to employ the Continental troops now at West Point in the service aforesaid.¹

On motion of Mr. [John] Beatty, seconded by Mr. [Richard Dobbs] Spaight,

Resolved, That the further consideration of the subject be postponed; and that Congress take into consideration the report of the committee on the application from the State of New York.

EODEM DIE, P. M.

Congress resumed the consideration of the motion of Mr. [James] Monroe, as amended: And on the question to agree thereto, the yeas and nays being required by Mr. [Jacob] Read,

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 465. A marginal note says: "Mr. [Elbridge] Gerry, Mr. [Francis] Dana yeas and nays on postponing to introduce this motion."

| | | | | | |
|-----------------------|----|------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Montgomery, | no | } no |
| Blanchard | ay | | Hand, | no | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } ay | Mr. McHenry, | no | } no |
| Dana, | ay | | Stone, | no | |
| Partridge, | ay | | Chase, | no | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | no | } no |
| Howell, | ay | | Mercer, | no | |
| <i>Connecticut,</i> | | | Monroe, | ay | |
| Mr. Sherman, | ay | } ay | <i>North Carolina,</i> | | |
| Wadsworth, | ay | | Mr. Williamson, | ay | } div. |
| <i>New York,</i> | | | Spaight, | no | |
| Mr. De Witt, | no | } no | <i>South Carolina,</i> | | |
| Paine, | no | | Mr. Read, | no | } div. |
| <i>New Jersey,</i> | | | Beresford, | ay | |
| Mr. Stevens, | ay | } ay | | | |
| Beatty, | ay | | | | |
| Dick, | ay | | | | |

So the question was lost.

A motion was then made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read,

That the commanding officer be directed to discharge the troops now in the service of the United States, except 25 privates to guard the stores at Fort Pitt, and 55 to guard the stores at West Point and other magazines, with a proportionate number of officers; no officer to remain in service above the rank of a captain, and those privates to be retained who are inlisted on the best terms: Provided Congress, before its recess, shall not take other measures respecting the disposition of those troops.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to amend the motion by inserting after "United States," the following words, "after the arrearages of their pay and rations from 3 November last shall be paid."

On this the previous question was moved by the State of Maryland, seconded by the State of Virginia: And on the question to agree to the previous question, the yeas and nays being required by Mr. [Abiel] Foster,

| | | | | | |
|-----------------------|----|--------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Montgomery, | ay | } div. |
| Blanchard, | no | | Hand, | no | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | no | } no | Mr. McHenry, | ay | } ay |
| Dana, | no | | Stone, | ay | |
| Partridge, | no | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Ellery, | no | } no | Mr. Hardy, | ay | } ay |
| Howell, | no | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Monroe, | ay | |
| Mr. Sherman, | ay | } div. | <i>North Carolina,</i> | | |
| Wadsworth, | no | | Mr. Williamson. | ay | } ay |
| <i>New York,</i> | | | Spaight, | ay | |
| Mr. De Witt, | ay | } ay | <i>South Carolina,</i> | | |
| Paine, | ay | | Mr. Read, | ay | } ay |
| <i>New Jersey,</i> | | | Beresford, | ay | |
| Mr. Stevens, | ay | } ay | | | |
| Beatty, | ay | | | | |
| Dick, | no | | | | |

So the question was lost.

A motion was made by Mr. [Edward] Hand, seconded by Mr. [John Francis] Mercer, to postpone the amendment, in order to take up the following motion, to amend the main question, by adding,

That the arrearages of their pay and rations, after the 3d of November last, be settled in the same manner as the accounts of the troops lately discharged; and that the Superintendent of Finance take order for furnishing them ~~one~~ two months' pay:

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Abiel] Foster,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Montgomery, | ay | } ay |
| Blanchard, | no | | Hand, | ay | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | no | } no | Mr. McHenry, | ay | } ay |
| Dana, | no | | Stone, | ay | |
| Partridge, | no | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Ellery, | no | } div. | Mr. Hardy, | ay | } ay |
| Howell, | ay | | Mercer, | ay | |
| <i>Connecticut,</i> | | | <i>North Carolina,</i> | | |
| Mr. Sherman, | no | } div. | Mr. Williamson, | ay | } ay |
| Wadsworth, | ay | | Spaight, | ay | |
| <i>New York,</i> | | | <i>South Carolina,</i> | | |
| Mr. De Witt, | ay | } ay | Mr. Read, | ay | } ay |
| Paine, | ay | | Beresford, | ay | |
| <i>New Jersey,</i> | | | | | |
| Mr. Stevens, | ay | } ay | | | |
| Dick, | ay | | | | |

So it was resolved in the affirmative.

It was then moved by Mr. [Roger] Sherman, seconded by Mr. [Francis] Dana, to amend the amendment, by adding, "and that it be recommended to the respective states to which the said troops belong, to pay them the remainder that shall be due to them from the 3d of November last, for which said states shall be credited on the requisition of day of ¹

And on the question to agree to the amendment on the amendment, the yeas and nays being required by Mr. [Thomas] Stone,

| | | | | | |
|-----------------------|----|------------|-----------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Massachusetts,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Gerry, | ay | } ay |
| Blanchard, | ay | | Dana, | ay | |
| | | Partridge, | ay | | |

¹ This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 36, IV, folio 561.

| | | | | | |
|----------------------|----|------|------------------------|----|------|
| <i>Rhode Island,</i> | | | <i>Maryland,</i> | | |
| Mr. Ellery, | ay | } ay | Mr. McHenry, | no | } no |
| Howell, | ay | | Stone, | no | |
| <i>Connecticut,</i> | | | Chase, | no | |
| Mr. Sherman, | ay | } ay | <i>Virginia,</i> | | } no |
| Wadsworth, | ay | | Mr. Hardy, | no | |
| <i>New York,</i> | | | Mercer, | no | |
| Mr. De Witt, | no | } no | Lee, | no | |
| Paine, | no | | Monroe, | no | |
| <i>New Jersey,</i> | | | <i>North Carolina,</i> | | } no |
| Mr. Stevens, | no | } no | Mr. Williamson, | no | |
| Dick, | no | | Spaight, | no | |
| <i>Pennsylvania,</i> | | | <i>South Carolina,</i> | | } no |
| Mr. Montgomery, | no | } no | Mr. Read, | no | |
| Hand, | no | | Beresford, | no | |

So it passed in the negative.

On the question to agree to the amendment, the yeas and nays being required by Mr. [Abiel] Foster,

| | | | | | |
|-----------------------|----|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } no | Mr. Montgomery, | ay | } ay |
| Blanchard, | no | | Hand, | ay | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | } ay |
| Mr. Gerry, | no | } ay | Mr. McHenry, | ay | |
| Dana, | ay | | Stone, | ay | |
| Partridge, | ay | | Chase, | ay | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | } ay |
| Mr. Ellery, | ay | } ay | Mr. Hardy, | ay | |
| Howell, | ay | | Mercer, | ay | |
| <i>Connecticut,</i> | | | Lee, | ay | |
| Mr. Sherman, | ay | } ay | Monroe, | ay | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | ay | } ay | Spaight, | ay | |
| Paine, | ay | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | | Mr. Read, | ay | |
| Mr. Stevens, | ay | } ay | Beresford, | ay | |
| Dick, | ay | | | | |

So it was resolved in the affirmative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. Ephraim Paine,

| | | | | | | | | |
|-----------------------|----|--------|--|------------------------|----|--------|--|--|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | |
| Mr. Foster, | no | } div. | | Mr. Montgomery, | ay | } ay | | |
| Blanchard, | ay | | | Hand, | ay | | | |
| <i>Massachusetts,</i> | | | | <i>Maryland,</i> | | | | |
| Mr. Gerry, | ay | } ay | | Mr. McHenry, | ay | } ay | | |
| Dana, | ay | | | Stone, | ay | | | |
| Partridge, | ay | | | Chase, | ay | | | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | | | |
| Mr. Ellery, | ay | } ay | | Mr. Hardy, | ay | } ay | | |
| Howell, | ay | | | Mercer, | ay | | | |
| <i>Connecticut,</i> | | | | Lee, | ay | | | |
| Mr. Sherman, | ay | } ay | | Monroe, | ay | | | |
| Wadsworth, | ay | | | <i>North Carolina,</i> | | | | |
| <i>New York,</i> | | | | Mr. Williamson, | ay | } ay | | |
| Mr. De Witt, | ay | } ay | | Spaight, | ay | | | |
| Paine, | ay | | | <i>South Carolina,</i> | | | | |
| <i>New Jersey,</i> | | | | Mr. Read, | ay | } div. | | |
| Mr. Stevens, | ay | } ay | | Beresford, | no | | | |
| Dick, | ay | | | | | | | |

So it was *Resolved*, That the commanding officer be, and he is hereby directed to discharge the troops now in the service of the United States, except 25 privates, to guard the stores at Fort Pitt, and 55 to guard the stores at West Point and other magazines, with a proportionate number of officers; no officer to remain in service above the rank of a captain, and those privates to be retained who were inlisted on the best terms: Provided Congress, before its recess, shall not take other measures respecting the disposition of those troops. That the arrearages of their pay and rations after the 3d of November last, be settled in the same manner as the accounts of the troops lately discharged; and that the Superintendent of Finance take order for furnishing them two months pay.

The Committee of the week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] having considered the memorial of Edward Hand, and the papers communicated therewith, late a Major General and formerly Colonel of the 1st Regt. of Foot in the Army of the United States find,

That he received by his Agent M^r James Milligan under a resolution of Congress of the 12th June, 1776, the sum of 9000 dollars to purchase an uniform for the Regiment as appears by M^r Milligan's letter dated 9th Aug. 1776.

That a quantity of clothing purchased with the said money was received and distributed to the regiment as appears by M^r Milligan's letter of the 22nd Aug^t., 1776, and the Regimental Quarter Masters certificate.

That ten cases and ten bundles containing a large and general assortment of articles of clothing &c. purchased with money aforesaid, and intended for his said regiment, were about the latter end of October 1776 forwarded from Philadelphia to Fort Lee on the Hudson as appears by letters from M^r Milligan, & his clerk M^r James Heron dated October 29th and 31st 1776 and the invoice dated 30th of said month.

That the said ten cases and ten bundles fell into the hands of the enemy as appears by a letter from M^r Heron dated 27 December 1776, one from M^r Milligan of the 24th June 1777 and a certificate of Clement Biddle Esq. who acted as Quarter Master General at the time said clothing was lost.

That the loss of the said clothing arose from accidents incident to war, which he could neither foresee nor guard against.

Whereupon, The Committee beg leave to report the following resolution.

Resolved, That the comptroller of the treasury pass to the credit of ~~the 1st regiment commanded by Col the late Major General Hand~~ the amount of the sums paid for the clothing so lost ~~with the necessary expences incurred in purchasing and transporting the same~~ and the necessary expences incurred in transporting and purchasing the same to be ascertained by the original invoices and documents.¹

¹ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 19, III, folio 29. It was read this day, the indorsement states.

The Committee consisting of M^r. [William] Ellery, M^r. [Hugh] Williamson, and M^r. [Arthur] Lee, to whom was referred the petition of Zebulon Butler and others,

Submit the following report,

Resolved, That the institution of a court as ordered by a resolution of Congress of the 23^d of January last for determining the private right of soil within the territory westward of the River Delaware, between Zebulon Butler and others claiming under the State of Connecticut, and other persons claiming under the State of Pennsylvania, be and it is hereby postponed to the first Monday in November next, and referred to the United States then to be assembled in Congress at Trenton in the State of New Jersey, of which all persons concerned are to take notice and attend accordingly.

And whereas the said claimants under the State of Connecticut, by their petition to Congress, dated the first day of May, 1784, complain that they have been disturbed, and greatly injured in their persons and possessions, and have prayed Congress that they may be quieted in their possessions until there can be a fair trial of their private right of soil.

Resolved, That all persons who were actually possessed of lands or buildings within the said Territory before and at the time of rendering final judgement in the late controversy, between the States of Connecticut & Pennsylvania respecting the said territory when it was adjudged to be within the jurisdiction of the latter ought to be protected in a quiet and undisturbed enjoyment of their possessions, until a legal decision can be had on their right; and it is hereby recommended, to the Supreme Executive of the State of Pennsylvania to take order to quiet such persons accordingly.

Resolved, That a copy of these resolutions be transmitted by the Secretary to the Executives of the States of Connecticut and Pennsylvania, with a request that they take proper measures for notifying to the parties concerned the time to which the institution of a court for determining the private right of soil within the Territory aforesaid is postponed.¹

Resolved, That it be and it is hereby recommended to the States of New York, New Jersey and Pennsylvania, forthwith to embody — men to be furnished by those states in the following propor-

¹ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, II, folio 175.

tions, viz. to continue in service for the term of months unless sooner discharged subject to the orders of the United States in Congress or a Committee of the States, for the purpose of taking possession of the posts on the North-western frontier whenever they shall be evacuated by the troops [of his Britannic Majesty, their militia or such other men as they may have in service with a due proportion of officers.]¹

The Committee consisting of M^r [Edward] Hand, M^r [Richard Dobbs] Spaight, and M^r [Jacob] Read, appointed to revise the files of reports, beg leave to report in part, That the reports on file No. 1 should be taken into consideration by the Committee of the States viz:

Passed. 1. On a letter from Jos. Carleton Sect^{ry}. in the War office enclosing returns of Stores, &c.

R. 2. On the Memorial of Brigadier General M. Jackson.

R. 3. On the Memorial of Captain Phelon a wounded officer praying additional relief.

R. 4. On the Memorial of Lieut. Palmer Cady praying for a commission.

Committed for amend- 5. On a Motion of the Delegates of Rhode Island
ment. with a motion of M^r Gerry.

R. 6. On the memorial of Jacob Weise priv. Stating that while he acted as Deputy Quarter Master General he was employed in various extra official duties & desiring additional pay.

Committed for amend- 7. On a letter from the Superintendent of Fi-
ment. nance, Respecting military Stores.

Committed for consid- 8. On measures to compel persons to acct. who
eration and amendment. have received public money &c.

R. 9. On a letter of the 29th Nov. 1783 from the War Office respecting claims of Major Bauman and Perkins.

R. 10. On a motion respecting the irregularity of the Post.

¹ This report, in the writing of John Francis Mercer, except the words in brackets, which are in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 415. The indorsement gives it this date and states that it was referred to Mr. [Roger] Sherman, Mr. [Jacob] Read, Mr. [James] McHenry, Mr. [James] Monroe and Mr. [Samuel] Dick. Their report of June 3 states that the motion was made by [Jacob] Read. See *post*, June 3.

11. { The papers withdrawn by M^r [David] Howell and passed over by the Committee.
 { On motion of M^r [David] Howell respecting the accounts of J. Flagg and J. Flagg junior.

Agreed to and passed. 12. On a letter from the Superintendent of finance on Gen^l Hazen's Complaints against the P. M. G. with sundry papers relating thereto.

Not to be acted on; 13. On a letter of 28 July 1783, from the Superintendent of Finance with P. M. Gs. answer to the question why the troops furloughed did not previously receive their pay.

R. 14. On a letter of the 30. March 1784 from Governor Hancock enclosing a petition from Col. Badlam, &c.

15. { To be deposited among the files of Congress.
 { On a letter of the 1st May, 1783 from the Superintendent of Finance respecting goods imported and the conduct of Captains Green and Barney.

That the Reports on File N^o 2 be referred over for the consideration of Congress at their next Sitting, vizt.

1. On Indian affairs in the Southern Department.

2. On a letter of the 26th May 1784 from the Superintendent of Finance enclosing a letter from Jos. Pennel Esq. respecting the allowance to be made to Continental agents.

3. On a motion of M^r [Jacob] Read for granting a commission to M^r Morant.

4. On the Petition of Lt. Col. Henry B. Livingston to be continued in pay &c.

5. On the letter of the Minister of the United Netherlands respecting the Sloop *Chester*.

6. On a letter of the 1st Nov. 1783 from Brigadier General McIntosh enclosing & referring to proceedings of the Executive of Georgia against him.

7. On the mode of making further provision for Invalids.

8. On reprinting the Journals of Congress.

9. On the number of troops to be kept up by the State of New York.

10. On motion of M^r [Jacob] Read respecting an allowance to be made to General Washington.

11. On a letter from the Minister of France respecting the accounts of the late Baron de Kalb and other officers.

12. On a letter of the 19 April, 1784, from M^r [Edward] Hand praying for an allowance for extra services.

13. On a memorial from John Ross, praying that his accts. may be audited and settled with several papers relating thereto.

14. On a letter from M^r A. Lee requesting a compensation for his services as corresponding agent.

15. On M^r Dumas's affairs.

That the reports on File No. 3, require no consideration, subsequent acts of Congress, time, and other circumstances rendering it unnecessary to act on them, vizt.

1. On the measures to be adopted for taking possession of the Frontier Posts.

2. On a letter of the 3rd Jany. 1784 respecting the disposition of the troops and stores, furnishing provisions Clothing &c.

3. On a letter of the 13th Dec. 1783. from Jos. Reed Esq. desiring testimonials of his conduct.

4. On the petition of Bodo Otto praying for an advance of money on his commutation &c.

5. On a letter from President Dickinson respecting the Boundary between Virginia and Pennsylvania.¹

THURSDAY, JUNE 3, 1784.

Congress assembled: Present, eleven states as yesterday.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Samuel] Hardy and Mr. [James] Monroe, to whom was referred a motion of Mr. Dana,

Resolved, That the ministers plenipotentiary of the United States for negotiating commercial treaties with foreign powers be and they are hereby instructed, in any negotiations they may enter upon with the court of Spain, not to relinquish or cede, in any event whatsoever, the right of the citizens of these United States

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 23, folio 203. It is undated, but belongs to this period. See *ante*, May 17.

to the free navigation of the river Mississippi from its source to the ocean.¹

Ordered, That the secretary prepare a commission or commissions to Messrs. Adams, Franklin and Jefferson, or a majority of them to make supplementary treaties of commerce with France, the United Netherlands, and Sweden.²

The committee, consisting of Mr. [Roger] Sherman, Mr. [Jacob] Read, Mr. [James] McHenry, Mr. [James] Monroe and Mr. [Samuel] Dick, to whom was referred a motion of Mr. [Jacob] Read, having reported, and the report being taken into consideration, being as follows:

Whereas a body of troops to consist of seven hundred non-commissioned officers and privates, properly officered, are immediately and indispensably necessary for securing and protecting the northwestern frontiers of the United States, and their Indian friends and allies, and for garrisoning the posts soon to be evacuated by the troops of his britannic Majesty: *Resolved*, That it be, and it is hereby recommended to the states hereafter named, and as most conveniently situated, to furnish forthwith from their Militia, 700 men to serve for 12 months, unless sooner discharged, in the following proportions, viz. Connecticut, 165; New-York, 165; New-Jersey, 110; Pennsylvania, 260; making in the whole 700.

Resolved, That the Secretary at War take order for forming the said troops when assembled, into one regiment, to consist of eight companies of infantry, and two of artillery, arming and equipping them in a soldier-like manner: and that he be authorised to direct their destination and operations,

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 28, folio 189.

² This resolution and order were entered only in the Manuscript Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

subject to the order of Congress, and of the Committee of the states in the recess of Congress.

Resolved, That the pay, subsistence and rations of the officers and men shall be the same as has been heretofore allowed to the troops of the United States, and that each officer and soldier shall receive one month's pay after they are embodied, before their march.

Resolved, That it be recommended to the several states, to employ such officers of their late lines of the continental army, as may be willing to enter into the present service.

Resolved, That the staff and commissioned officers of the said troops consist of the following, and be furnished by the several states hereinafter mentioned; that is to say, one lieutenant-colonel commandant from Pennsylvania, two majors, one from Connecticut, and one from New-York, each major to command a company; eight captains from the several states furnishing the troops in the nearest proportion to the number of the men furnished; ten lieutenants, one to act as adjutant; ten ensigns, one chaplain, one surgeon, four mates.

Resolved, That the the Secretary at War give the necessary order for the inferior arrangements and organization of the said troops, and make the apportionment of the officers to be furnished by the several states, not herein particularly directed.

Resolved, That the said troops when embodied, on their march, on duty, and in garrison, shall be liable to all the rules and regulations formed for the government of the late army of the United States.

Resolved, That the Superintendant of the Finances of the United States, take order for furnishing on the warrant of the Secretary at War, the sums requisite for carrying the foregoing resolutions into effect.¹

¹ This report in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 24, folio 103-109.

A motion was made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to postpone the consideration thereof, in order to take up the report of the committee, on the representation from the delegates of New-York, and which is as follows:

“The committee, consisting of Mr. [Jacob] Read, Mr. [Roger] Sherman, Mr. [William] Ellery, Mr. [Samuel] Hardy, and Mr. [George] Partridge, to whom was referred the representation of the delegates from the State of New York, respecting the controversy between the said State, and the people inhabiting the territory called the New Hampshire Grants, made in pursuance of express instructions from the legislature of the said State, urging the necessity of an immediate decision of the said controversy, with sundry affidavits and other papers accompanying the same, having carefully examined the papers, and the files and proceedings of Congress, respecting the said controversy, and maturely considered the case, report thereon as follows: That by an act of Congress of the 7th of August, 1781, reciting, that the States of New Hampshire and New York had submitted to Congress the decision of the disputes between them, and the people inhabiting the New Hampshire Grants, on the west side of Connecticut river, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and had been heard thereon, and that the people aforesaid did claim and exercise the powers of a sovereign independent State, and had requested to be admitted into the fœderal Union of these States: It was among other things resolved, “That a committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State, and on what terms it may be proper to admit them into the fœderal

Union of these States, in case the United States in Congress assembled, shall determine to recognize their independence. and thereof make report." "And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people to agree upon and ratify terms and articles of Union and confederation with the United States of America, in case they shall be admitted into the Union; and the said committee are hereby instructed to give notice to the agents of the States of New Hampshire and New York, to be present at the conference aforesaid."

And on the 8 day of the said August, a committee was accordingly appointed, who afterwards had a conference with Jonas Fay, Ira Allen and Bezaleel Woodward, agents appointed by the authority of the people inhabiting the said territory called the New Hampshire Grants, to repair to Congress, and to propose and receive from them, terms of a Union with the United States.

That the committee appointed as aforesaid having made their report, Congress on the 20 day of August. 1781, came to the following resolution:

"It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7 instant:

Resolved, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal Union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence running twenty miles east of Hudson's river, so far as the

said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain, to the latitude of 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain."

Which resolution was agreed to by nine states. That on 19th of October, 1781, the Assembly of Vermont, taking into their consideration the aforesaid act of Congress,

Resolved, That they could not comply with it, without destroying the harmony then subsisting in that State, and a violation of a solemn compact entered into by articles of union, &c., as appears on the journal of Congress of the 4 of April, 1782.

That afterwards, on the 22d day of February, 1782, the people inhabiting the said territory called Vermont, by their representatives in general assembly, in compliance with the aforesaid act of Congress, then remaining unaltered and unrepealed, came to the following resolutions, to wit:

Resolved, That the West bank of Connecticut river, and a line beginning at the northwest corner of the Commonwealth of Massachusetts, from thence northward twenty miles east of Hudson's river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this State; and that this Assembly do hereby relinquish all claims and demands to, and jurisdiction in and over any and every district of territory without said boundary lines."

And afterwards, in the said month of February, 1782, the said general Assembly appointed Moses Robinson, Paul Spooner, Isaac Tichenor and Jonas Fay, esqrs., agents, with plenary powers on behalf of the people of the said district,

to negotiate and agree on terms for their admission into confederation with these United States; and upon such admission to represent the said State of Vermont in Congress; and it being now represented by the State of New York, that great danger and distress will arise from a further delay of the decision of the said controversy; and the people of Vermont having complied as aforesaid with the terms prescribed by Congress, as a preliminary to the recognition of their independence, your committee submit the following resolves:

Resolved, That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of Congress of the 20 August, 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to be a free, sovereign and independent State, by the name of the State of Vermont. That the said State of Vermont, being within the limits of the United States, shall be considered as a part of the Confederacy, on the same principles as the new states, who shall have established permanent governments agreeably to the act of Congress of the 23 day of April last, until it shall accede to the Articles of Confederation, and be admitted into the federal Union of these States.

Resolved, That Congress adhere to the guarantee to the States of New Hampshire and New York, agreeably to the resolutions of the 7 and 20 day of August, 1781; and if it shall appear, on running the line between the States of New York and Vermont, that the latter hath made any encroachments on the territory of the former, the same shall be immediately removed.

Your committee further report, with respect to the matters alleged by the delegates of New York, concerning the sufferings of individuals by banishment and confiscation of property, and the disorders and violences that have happened

in consequence of the opposite and interfering jurisdictions exercised by the State of New York and the government of Vermont, over the same persons within the said district; that the several letters and papers from the governor of New York and the people of Vermont, relative to those matters, have been heretofore committed, and no report hath been made thereon; your committee are therefore of opinion, that if Congress shall judge it expedient to take any further order respecting those matters, it will be proper again to commit those papers."

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | | | | | |
|-----------------------|----|---|------|------------------------|----|-----------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | no | } | no | | |
| Blanchard, | ay | | | Montgomery, | no | | | | |
| <i>Massachusetts,</i> | | | | Hand, | ay | | | | |
| Mr. Gerry, | no | } | no | <i>Maryland,</i> | | } | no | | |
| Dana, | ay | | | Mr. McHenry, | no | | | | |
| Partridge, | no | | | Stone, | no | | | | |
| <i>Rhode Island,</i> | | | | Chase, | no | | | | |
| Mr. Ellery, | no | } | no | <i>Virginia,</i> | | } | no | | |
| Howell, | no | | | Mr. Hardy, | no | | | | |
| <i>Connecticut,</i> | | | | Lee, | no | | | | |
| Mr. Sherman, | ay | } | div. | Monroe, | no | | | | |
| Wadsworth, | no | | | <i>North Carolina,</i> | | Mr. Williamson, | no | } | no |
| <i>New York,</i> | | | | Spaight, | no | | | | |
| Mr. De Witt, | ay | } | ay | <i>South Carolina,</i> | | } | * | | |
| Paine, | ay | | | Mr. Read. | no | | | | |
| <i>New Jersey,</i> | | | | | | | | | |
| Mr. Stevens, | no | } | no | | | | | | |
| Beatty, | no | | | | | | | | |
| Dick, | no | | | | | | | | |

So it passed in the negative.

Congress proceeded in the consideration of the report before the House, and a motion was made by Mr. [John]

Beatty, seconded by Mr. [Samuel] Dick, to strike out the words and figures, "New Jersey 110:" And on the question, shall those words and figures stand the yeas and nays being required by Mr. [John] Beatty,

| | | | | | |
|-----------------------|----|------|------------------------|----------|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } ay | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } ay |
| Dana, | ay | | Mr. McHenry, | ay | |
| Partridge, | no | | Stone, | ay | |
| <i>Rhode Island,</i> | | | Chase, | ay | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | } ay |
| Howell, | no | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | Mercer, | ay | |
| Mr. Sherman, | ay | } ay | Lee, | ay | |
| Wadsworth, | ay | | Monroe, | ay | |
| <i>New York,</i> | | | <i>North Carolina,</i> | | } ay |
| Mr. De Witt, | ay | } ay | Mr. Williamson, | ay | |
| Paine, | ay | | | Spaight, | ay |
| <i>New Jersey,</i> | | | <i>South Carolina,</i> | | } ay |
| Mr. Stevens, | no | } no | Mr. Read, | ay | |
| Beatty, | no | | Beresford, | ay | |
| Dick, | no | | | | |

So it was resolved in the affirmative.

A motion was then made by Mr. [John] Beatty, seconded by Mr. [John] Stevens, to amend the report by adding the following:

"That where the laws of any State will not admit of their militia being called out, on the terms prescribed in the foregoing resolutions, such State may be permitted to engage the quota of men assigned it, in such manner as the legislature thereof shall direct."¹ On this the previous question was moved by Massachusetts and Maryland:

¹ This motion, in the writing of John Beatty, is in the *Papers of the Continental Congress*, No. 36, IV, folio 575.

And on the question to agree to the previous question, the yeas and nays being required by Mr. [John] Beatty,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } div. | Mr. Mifflin, | no | } ay |
| Blanchard, | ay | | Montgomery, | ay | |
| <i>Massachusetts,</i> | | | Hand, | ay | |
| Mr. Gerry, | ay | } ay | <i>Maryland,</i> | | } ay |
| Dana, | ay | | Mr. McHenry, | ay | |
| Partridge, | no | | Stone, | ay | |
| <i>Rhode Island,</i> | | | Chase, | ay | |
| Mr. Ellery, | no | } no | <i>Virginia,</i> | | } ay |
| Howell, | no | | Mr. Hardy, | ay | |
| <i>Connecticut,</i> | | | Mercer, | ay | |
| Mr. Sherman, | ay | } ay | Monroe, | ay | |
| Wadsworth, | ay | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Williamson, | ay | |
| Mr. De Witt, | ay | } ay | Spaight, | ay | |
| Paine, | ay | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | | Mr. Read, | ay | |
| Mr. Stevens, | no | } no | Beresford, | ay | |
| Beatty, | no | | | | |
| Dick, | no | | | | |

So it was resolved in the affirmative, and the motion was set aside.

The report being amended to read as follows:

Whereas a body of troops, to consist of seven hundred non-commissioned officers and privates, properly officered, are immediately and indispensably necessary for taking possession of the western posts, as soon as evacuated by the troops of his britannic Majesty, for the protection of the northwestern frontiers, and for guarding the public stores;

Resolved, That it be, and it is hereby recommended to the states hereafter named, as most conveniently situated, to furnish forthwith from their militia, seven hundred men, to

serve for twelve months, unless sooner discharged, in the following proportions, viz.

| | | | | |
|--------------|-----|--|--------------|-------|
| Connecticut, | 165 | | New Jersey, | 110 |
| New York, | 165 | | Pensylvania, | 260 |
| | | | | — 700 |

Resolved, That the Secretary in the War Office take order for forming the said troops when assembled, into one regiment, to consist of eight companies of infantry, and two of artillery, arming and equipping them in a soldier-like manner; and that he be authorised to direct their destination and operations, subject to the order of Congress, and of the Committee of the states in the recess of Congress.

Resolved, That the pay, subsistence and rations of the officers and men shall be the same as has been heretofore allowed to the troops of the United States; and that each officer and soldier shall receive one month's pay after they are embodied, before their march.

Resolved, That the staff and commissioned officers of the said troops, consist of the following, and be furnished by the several states hereinafter mentioned; that is to say, one lieutenant colonel commandant from Pensylvania; two majors, one from Connecticut, and one from New York, each major to command a company; eight captains from the several states furnishing the troops in the nearest proportion to the number of the men furnished; ten lieutenants, one to act as adjutant; ten ensigns; one regimental chaplain; one surgeon; four mates.

Resolved, That the secretary in the War office give the necessary order for the inferior arrangements and organization of the said troops, and make the apportionment of the officers to be furnished by the several states, not herein particularly directed.

Resolved, That the said troops when embodied, on their march, on duty, and in garrison, shall be liable to all the

rules and regulations formed for the government of the late army of the United States, or such rules and regulations as Congress or a committee of the states may form.

Resolved, That the Superintendant of the finances of the United States, take order for furnishing, on the warrant of the secretary in the war office, the sums requisite for carrying the foregoing resolutions into effect.¹

On the question to agree to the report as amended, the yeas and nays being required by Mr. [Ephraim] Paine,

| | | | | | | | | | |
|-----------------------|----|---|----|------------------------|----|-----------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | ay | } | ay | | |
| Blanchard, | ay | | | Montgomery, | ay | | | | |
| <i>Massachusetts,</i> | | | | Hand, | ay | | | | |
| Mr. Gerry, | ay | } | ay | <i>Maryland,</i> | | } | ay | | |
| Dana, | ay | | | Mr. McHenry, | ay | | | | |
| Partridge, | ay | | | Stone, | ay | | | | |
| <i>Rhode Island,</i> | | | | Chase, | ay | | | | |
| Mr. Ellery, | ay | } | ay | <i>Virginia,</i> | | } | ay | | |
| Howell, | ay | | | Mr. Hardy, | ay | | | | |
| <i>Connecticut,</i> | | | | Mercer, | ay | | | | |
| Mr. Sherman, | ay | } | ay | Monroe, | ay | | | | |
| Wadsworth, | ay | | | <i>North Carolina,</i> | | Mr. Williamson, | ay | } | ay |
| <i>New York,</i> | | | | Spaight, | ay | | | | |
| Mr. De Witt, | no | } | no | <i>South Carolina,</i> | | } | ay | | |
| Paine, | no | | | Mr. Read, | ay | | | | |
| <i>New Jersey,</i> | | | | Beresford, | ay | | | | |
| Mr. Stevens, | no | } | no | | | | | | |
| Beatty, | no | | | | | | | | |
| Dick, | no | | | | | | | | |

So it was resolved in the affirmative.²

On the report of a committee, consisting of Mr. [Richard Dobbs] Spaight, Mr. [Elbridge] Gerry, Mr. [Arthur] Lee, Mr. [John] Beatty and Mr. [Roger] Sherman, to whom

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 24, folios 103-109.

² From this point the entries in the Journal are made by Benjamin Bankson.

was referred a report of a committee, on a report of the Superintendent of finance, dated the 5 November, 1783, in answer to questions proposed by the Commissioner for settling the accounts of the State of Pennsylvania with the United States; and also a report on the petition of James Smith, praying for a sum of money to be advanced to him on account;

Resolved, That all monies or articles supplied by the United States to any particular State, shall be charged to such State at their just value in specie, with an interest of six per cent. per annum, from the date of such supplies, until the final adjustment and payment of the account; but the former requisitions of Congress, for supplies from the states, not being considered as their real quotas of the common expence, are not to be charged.

That all monies or continental bills of credit furnished by any particular State to the United States, to be re-issued, and all other articles supplied to, or charges made against the United States by any particular State, and allowed in the adjustment of its account, shall be credited to such State at the specie value, with an interest of six per cent. per annum, from the date of such supplies, until the final settlement of the account.

That if bills of credit advanced to any State or person to be expended for the use of the United States, shall have depreciated before the same were so applied, the receiver shall not be charged with the depreciation, if satisfactory evidence be given to the Commissioner by such receiver, that such bills had not been applied to any other use, (and were applied to the purpose designed, as soon as occasion required); otherwise such receiver will be chargeable with such bills at their value when received, or at such lesser value as the Commissioner, on consideration of all circumstances attending the case, shall judge equitable.

That in cases where no written vouchers are or can be produced, and the Commissioner shall receive satisfactory evidence that such vouchers have been destroyed or lost, or that from the circumstances of the case they have never been obtained, he may receive such other evidence as shall be satisfactory to him, and the best that the circumstances of the case will admit; and at his discretion may examine the claimant or claimants under oath, respecting any accounts exhibited to him for settlement, whether accompanied with written vouchers or not, when the other evidence is not sufficient to satisfy him as to the truth or justice of the charge; and in case he shall doubt the truth or justice of any charge, or the authenticity of any voucher, it shall be his duty to enquire into the matter by the best evidence that can be obtained, and to allow such claims only as shall be supported by satisfactory evidence.

That the specie value of supplies furnished, or services rendered by individuals, on unliquidated accounts, to the United States, before the 26 of August, 1780, shall be ascertained, so far as may be, by the rule prescribed by a resolution of Congress of that date: and in all cases wherein that rule can not be applied, and no other is given by Congress, the just value in specie must be ascertained by the judgment of the Commissioner, on the best evidence that can be had.

That the accounts for supplies be settled by the Commissioner in the State where the same were furnished, except that in cases where the same person may have an account for supplies furnished in several States, the Superintendant of finance may, if he shall think proper, order the whole account to be settled by one Commissioner, or by the Comptroller.

That it shall be the duty of the Commissioner to attend¹ in different counties or districts, when, in his opinion, it

¹ From this point the entries in the Journal are by John Kilty, Jr.

will save expence, and expedite the settlement of accounts, or when thereto requested by the legislature or the Supreme Executive of the State for which he is appointed.

That the several Commissioners be instructed to proceed in the business of settling accounts with all possible despatch.

That the Commissioners make reasonable allowance for the use of stores, and other buildings, hired for the use of the United States, by persons having authority to contract for the same; but that rent be not allowed for buildings which being abandoned by the owners were occupied by the troops of the United States.

That such compensation as the commissioner may think reasonable, be made for wood, forage or other property of individuals, taken by order of any proper officer, or applied to, or used for the benefit of the army of the United States, upon producing to him satisfactory evidence thereof, by the testimony of one or more disinterested witnesses.

That according to the laws and usages of nations, a State is not obliged to make compensation for damages done to its citizens by an enemy, or wantonly and unauthorised by its own troops; yet humanity requires that some relief should be granted to persons who, by such losses, are reduced to indigence and want: and as the circumstances of such sufferers are best known to the states to which they belong, it is the opinion of the committee, that it be referred to the several states, (at their own expence,) to grant such relief to their citizens, who have been injured as aforesaid, as they may think requisite: and if it shall hereafter appear reasonable that the United States should make any allowance to any particular states who may be burthened much beyond others, that the allowance ought to be determined by Congress; but that no allowance be made by the Commissioners for settling accounts, for any charges of that kind against the United States.

That the Superintendant of finance be authorised to give such further instructions to the Commissioners for facilitating the settlement of the accounts of individuals with the United States, and issuing certificates on interest for what may be found due to them, as may be necessary, and not repugnant to the resolutions of Congress.

That new certificates on interest shall be issued in exchange for those that may have heretofore been issued by any commissary or quartermaster general, or deputy commissary or deputy quartermaster general or other officer who, had a right to give such certificates for supplies or services rendered to the United States, previous to, or in pursuance of the resolution of Congress of the 26 of August, 1780, to the amount of such former certificates in specie; and specie certificates issued to any person in his own name, for services or supplies which he has furnished for the United States, shall be received of him in payment of any demand which the United States have against him, upon the settlement of his account.

That an interest of six per cent. per annum shall be allowed to all creditors of the United States, for supplies furnished, or services done, from the time that the payment became due.

That the Superintendant of finance give order for the speedy settlement of the accounts of James Smith, by the proper Commissioner, and take order for payment of what may be found due to him, or such part thereof as the state of the finances will admit, without giving him any undue preference to other creditors.

[That a Commissioner be appointed to settle the accompts of the Commercial Committee and other persons entrusted with the Commercial concerns of the United States, and that he observe
Rejected. the Rules prescribed to the other Commissioners for liquidating the public Accompts.

That the commissioner for settling the marine accounts, be directed to proceed to Boston, to adjust those of the Navy Board, and all other marine accounts of the United States in the eastern department.]

That the paymaster general, in settling the old accounts of the line of the army, be instructed to have recourse to the principles of the above resolutions, so far as they may apply.¹

² P. M. FOUR O'CLOCK

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Samuel] Hardy and Mr [Edward] Hand, to whom was referred a letter from the governor of the State of Massachusetts, with its inclosures, and a motion of the delegates of Massachusetts, Congress came to the following resolution:

Whereas it is represented, that early in February, 1776, the accounts of the State of Massachusetts against the United States, were forwarded to Congress, and by them referred to a committee, who examined and approved the same, except the charges for the Boston poor and sea-coast guards; and whereas the committee found the accounts were supported by proper vouchers, so far as they respected the expenditure of the money in making purchases; and that the

¹ This report, in the writing of Roger Sherman, except the paragraphs in brackets, which are in the writing of Richard Dobbs Spaight, and the last, paragraph, which is in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, V, folios 393 and 401¹. It is indorsed: “. . . On B. Stelle's queries, &c. . . .” A printed copy of the report, with the alterations, is on folio 403.

The following undated motion, in the writing of Jonathan Blanchard (?) appears to belong to this period. It is in No. 36, II, folio 419:

That it shall be the duty of said Commissioners to receive of the States in the district for which they [are] appointed all their accounts and vouchers for demands which said state or states may have against the United States for services performed or supplies made wither the same has been made under existing resolutions of Congress or not.

² At this point Charles Thomson resumes the entries in the Journal.

final settlement of the accounts were only deferred till similar or competent proofs should be obtained of the issues or expenditures of the articles thus purchased for the public use: And whereas it is further represented, that the vouchers respecting the purchases, were put up in boxes, and lodged in the care of the Officers of the treasury of the United States, and that during the removals to which they have been exposed, the boxes have been opened, and some of the papers lost; and as it is not reasonable that the State of Massachusetts should suffer by the loss of those vouchers, which it has once produced:

Resolved, That the Commissioner for liquidating and settling the accounts of the State of Massachusetts with the United States be, and he is hereby instructed to pass the accounts which have been rendered as aforesaid, so far as such accounts respect the purchases, though they should, in some instances, be defective; and that in examining the accounts of issues, he admit such evidence as may appear reasonable and satisfactory, respect being had to the general disorder and want of system, about the beginning of the late war.¹

On the report of the Superintendant of finance, to whom was referred the memorial of Lieutenant Andrew Lytle,

Resolved, That Lieutenant Andrew Lytle be allowed to debit the United States, with the sum of seven hundred and fifty-one dollars, and that he receive credit for the same, in the settlement of his accounts.

Congress proceeded to the election of Commissioners to form a board of treasury, and, the ballots being taken, the following gentlemen were elected: Mr. Daniel of St. Thomas Jenifer, having been previously nominated by Mr. [Hugh] Williamson; Mr. Oliver Ellsworth, having been previously

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, I, folio 165.

nominated by Mr. [James] Wadsworth; and, Mr. William Denning, having been previously nominated by Mr. [Charles] De Witt.

On the report of a committee, consisting of Mr. [Thomas] Stone, Mr. [Jacob] Read, Mr. [James] Monroe, Mr. [Hugh] Williamson and Mr. [Roger] Sherman, to whom was referred a petition from the legislature of the Commonwealth of Massachusetts, praying that a fœderal court may be appointed by Congress, to decide a dispute between the said Commonwealth and the State of New York;

Resolved, That the first Monday in December next, be assigned for the appearance of the said States of Massachusetts and New York, by their lawful agents, at the place in which Congress shall then be sitting.

Resolved, That the form of the notice be as follows, to be transmitted by the Secretary, agreeably to the Articles of Confederation.¹

By the United States in Congress assembled, in the city of Annapolis, on the 3 day of June, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the Independence of the United States of America.

TO THE LEGISLATIVE AUTHORITY OF THE STATE OF NEW YORK

It is hereby made known, that pursuant to the ninth of the Articles of Confederation and perpetual Union, the legislature of the Commonwealth of Massachusetts, have presented a petition to Congress in the words following:

“To the United States in Congress assembled, the petition of the legislature of the Commonwealth of Massachusetts sheweth, That whereas James the first, late King of Great

¹ This report in the writing of Thomas Stone as to the first paragraph and of Elbridge Gerry as to the two resolutions, is in the *Papers of the Continental Congress*, No. 36, II, folios 447 and 451. The Massachusetts petition is in No. 65, II, folio 229.

Britain, by his letters patent, bearing date at Westminster, the third day of November, in the eighteenth year of his reign, granted unto the Council established at Plimouth, in the county of Devon, and kingdom of Great Britain, commonly called the Council for planting, ruling and ordering and governing of New England in America, all that part of America, lying and being in breadth from forty to forty-eight degrees of northerly latitude, and of length of and within all the breadth aforesaid, throughout the main lands, from sea to sea, to hold the same to themselves, their successors and assigns forever: And whereas the said council established at Plimouth, by their deed, indented under their seal, dated the nineteenth day of March, in the third year of the reign of Charles the first, late king of Great Britain, did bargain, sell, enfeoff, alien and confirm, unto Sir Henry Roswell and his associates, and to their heirs and assigns, all that part of New England, in America, which lieth and extendeth between a great river called Merrimack, and a certain other river there called Charles river, being the bottom of a bay there called Massachusetts Bay, and also all those lands lying within three English miles to the southward of the southernmost part of the said bay, and extending thence northward, in latitude to the northward of every part of the said river Merrimack, and in the breadth of latitude aforesaid, extending throughout all the main land, in longitude westwardly to the southern ocean. And the said legislature in their claim herein described, do aver, that the point or place situate three miles south of the bay called Massachusetts Bay, is a point or place situate in forty-two degrees of northern latitude, two minutes north; and that the place, point or boundary aforesaid, of three miles to the northward of every part of the river Merrimack, is a place or point situate in forty-four degrees northern latitude, fifteen minutes north; and that by the grant aforesaid, the said Sir Henry Roswell

and his associates, became seized of all the lands before described and contained in the grant aforesaid, of the said council established at Plymouth; and that the same grant was confirmed to the said Henry Roswell and his associates, by the said King Charles, by his letters patent, dated in the fourth year of his reign; and that the said Sir Henry Roswell and his associates, were, immediately upon making the grant aforesaid by the said council, in the actual seizen and possession of all the lands aforesaid, and for many years held the same, under the name and title of the Governor and Company of Massachusetts Bay, in New England: And that such proceedings and possessions have been done and had respecting the territory aforesaid, granted to the said Sir Henry Roswell and his associates, and such subsequent grants have been made of the same, that all the said territory is now the just and proper right of the Commonwealth aforesaid. And all this the said legislature are ready to verify.

And whereas the State of New York have set up a claim to some part of the land beforementioned, and it being highly necessary to have the same claims brought to an immediate decision, they do therefore, in behalf of the said Commonwealth, most solemnly request the United States of America in Congress assembled, that commissioners may be appointed for enquiring into and determining upon the claim aforesaid of the said legislature, and that such other proceedings respecting the premises may be had, as are by the fœderal government of the said United States in such cases made and provided."

And that the first Monday in December next is assigned for the appearance of the said states of Massachusetts and New York, by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by

the said Articles of Confederation and perpetual Union is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*.

It was then moved, that the journal of this day's proceedings be read.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard] Beresford, to postpone the reading of the journal, in order to take into consideration the report of the committee on Indian affairs in the southern department: And on the question to agree to this motion, the yeas and nays being required by Mr. [Jacob] Read,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } div. | Mr. Mifflin, | ay | } ay |
| Blanchard, | ay | | Hand, | ay | |
| <i>Massachusetts,</i> | | | <i>Maryland,</i> | | |
| Mr. Gerry, | no | } no | Mr. McHenry, | ay | } ay |
| Dana, | no | | Stone, | ay | |
| Partridge, | no | | Chase, | no | |
| <i>Rhode Island,</i> | | | <i>Virginia,</i> | | |
| Mr. Howell, | no | } * | Mr. Hardy, | ay | } ay |
| <i>Connecticut,</i> | | | Mercer, | no | |
| Mr. Sherman, | no | } no | Lee, | ay | |
| Wadsworth, | no | | <i>North Carolina,</i> | | |
| <i>New York,</i> | | | Mr. Williamson, | ay | } ay |
| Mr. De Witt, | no | } no | Spaight, | ay | |
| Paine, | no | | <i>South Carolina,</i> | | |
| <i>New Jersey,</i> | | | Mr. Read, | ay | } ay |
| Mr. Stevens, | no | } no | Beresford, | ay | |
| Dick, | no | | | | |

So the question was lost.

A motion was then made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read, in order to take up the following:

“That the act of Congress of the 26 April, authorizing the President to adjourn Congress on this day, ~~being~~

~~irregular and unconstitutional~~ be repealed; and that this Congress will continue to sit till the business before them be acted on.”¹

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

| | | | | | | | | |
|-----------------------|----|---|----|--------------------------------|----|---|----|--|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | |
| Mr. Foster, | no | } | no | Mr. Mifflin, excused from vot- | | | | |
| Blanchard, | no | | | ing. | | | | |
| <i>Massachusetts,</i> | | | | Hand, | no | | | |
| Mr. Gerry, | no | } | no | <i>Maryland,</i> | | | | |
| Dana, | no | | | Mr. McHenry, | no | } | no | |
| Partridge, | no | | | Stone, | ay | | | |
| <i>Rhode Island,</i> | | | | Chase, | no | | | |
| Mr. Ellery, | no | } | no | <i>Virginia,</i> | | | | |
| Howell, | no | | | Mr. Hardy, | no | } | no | |
| <i>Connecticut,</i> | | | | Mercer, | no | | | |
| Mr. Sherman, | no | } | no | Lee, | ay | | | |
| Wadsworth, | no | | | <i>North Carolina,</i> | | | | |
| <i>New York,</i> | | | | Mr. Williamson, | ay | } | ay | |
| Mr. De Witt, | no | | | Spaight, | ay | | | |
| Paine, | no | | | <i>South Carolina,</i> | | | | |
| <i>New Jersey,</i> | | | | Mr. Read, | ay | } | ay | |
| Mr. Stevens, | no | } | no | Beresford, | ay | | | |
| Dick, | no | | | | | | | |

So it passed in the negative.

The journal up to this period was then read.

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Richard] Beresford, in the words following:

Whereas it is necessary to expedite the holding treaties with the Indian nations, &c. as entered on the journal of the 18 May last.

An amendment was moved by Mr. [James] McHenry, seconded by Mr. [John Francis] Mercer, by inserting, “of

¹ This motion, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 36, IV, folio 358.

the militia directed to be raised by the act of this day," immediately after the words, "three hundred men:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Arthur] Lee,

| | | | | | | |
|-----------------------|----|---|------|------------------------|----|---|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } | ay | Mr. Mifflin, | ay | } |
| Blanchard, | ay | | | Hand, | ay | |
| <i>Massachusetts,</i> | | | | <i>Maryland,</i> | | |
| Mr. Gerry, | ay | } | ay | Mr. McHenry, | ay | } |
| Dana, | no | | | Stone, | ay | |
| Partridge, | ay | | | Chase. | ay | |
| <i>Rhode Island,</i> | | | | <i>Virginia,</i> | | |
| Mr. Ellery, | ay | } | div. | Mr. Hardy, | ay | } |
| Howell, | no | | | Mercer, | ay | |
| <i>Connecticut,</i> | | | | Lee, | no | |
| Mr. Sherman, | ay | | * | Monroe, | no | |
| <i>New York,</i> | | | | <i>North Carolina,</i> | | |
| Mr. De Witt, | ay | } | ay | Mr. Williamson, | ay | } |
| Paine, | ay | | | Spaight, | ay | |
| <i>New Jersey,</i> | | | | <i>South Carolina,</i> | | |
| Mr. Stevens, | ay | } | ay | Mr. Read, | no | } |
| Beatty, | ay | | | Beresford, | no | |
| Dick, | ay | | | | | |

So it was resolved in the affirmative.

The motion being amended, was agreed to as follows:

Whereas it is necessary to expedite the holding treaties with the Indian nations, which it appears cannot be done but under the protection of an armed force; therefore,

Resolved, That the Secretary in the War Office be, and he is hereby directed to order three hundred men, of the militia directed to be raised by the act of this day, to be in readiness to march when and to what place or places the Commissioners for negotiating with the Indians, or any two of them, shall direct: and that the commanding officer of the said troops, give such protection to the Commissioners, as they, or any two of them, shall require; and that the

said Secretary give order to the different keepers of the public stores, to furnish to the order of the Commissioners, or any two of them, such tents, marquees and other articles as the said Commissioners shall think proper.

Resolved, That the Superintendant of finance take order for purchasing and transmitting the articles necessary for the Indian treaties, according to a list hereunto annexed, to such places as the commissioners appointed to negotiate with the Indians, or any two of them, shall direct. That he furnish such additional articles, not exceeding the sum of four thousand dollars, as the said commissioners shall order; and that he contract with such persons as he may think proper, to furnish sixty thousand rations for the Indian treaties, at such places as the commissioners or any two of them shall direct, together with such things as shall be necessary for the expences of the said commissioners during the negotiation.

Resolved, That the Commissioners for negotiating with the Indians, or any two of them, being a majority of those present, be empowered to do the business of the commission, and to appoint a secretary, messengers, interpreters, store-keepers, and such artificers as they may find necessary, and to agree with them for their pay, for which they shall draw warrants on the treasury

On motion of Mr. [Elbridge] Gerry, seconded by

Resolved, That the thanks of Congress be given to his Excellency Thomas Mifflin, for his able and faithful discharge of the duties of President, whilst acting in that important station.¹

A motion was made by Mr. [Francis] Dana, seconded by Mr. [Edward] Hand,

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 565.

That the committee of the states appointed by Congress to sit during their recess, be, and they are hereby directed, to hold their session at Trenton, in the State of New Jersey, and to open the same ~~as soon after the adjournment of Congress as shall be convenient~~ on the twentieth day of June instant, and the several states are requested to keep up their representation therein.¹

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard] Beresford, to postpone the consideration of that motion, in order to take up the following:

“That notwithstanding the act of the 26 April last, Congress will continue to sit and transact the business of the United States, until Tuesday the 8th of June instant, on which day the President shall adjourn Congress, to meet at Trenton on the 30th day of October next, pursuant to the said act of the 26 of April above mentioned:”²

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Jacob] Read,

| | | | | | | |
|-----------------------|----|--------|--|----------------------|----|------|
| <i>New Hampshire,</i> | | | | <i>New York,</i> | | |
| Mr. Foster, | no | } div. | | Mr. De Witt, | no | } no |
| Blanchard, | ay | | | Paine, | no | |
| <i>Massachusetts,</i> | | | | <i>New Jersey,</i> | | |
| Mr. Gerry, | ay | } ay | | Mr. Stevens, | ay | } ay |
| Dana, | ay | | | Beatty, | ay | |
| Partridge, | ay | | | Dick, | ay | |
| <i>Rhode Island,</i> | | | | <i>Pennsylvania,</i> | | |
| Mr. Ellery, | ay | } ay | | Mr. Mifflin, | ay | } ay |
| Howell, | ay | | | Hand, | ay | |
| <i>Connecticut,</i> | | | | <i>Maryland,</i> | | |
| Mr. Sherman, | ay | } ay | | Mr. McHenry, | ay | } ay |
| Wadsworth, | ay | | | Stone, | ay | |
| | | | | Chase, | ay | |

¹ This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 36, IV, folio 573.

² This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, IV, folio 581.

| | | | | | | |
|------------|------|-----------|-----------------|------|-----------------|------|
| Virginia, | } ay | | North Carolina, | } ay | | |
| Mr. Hardy, | | | no | | Mr. Williamson, | ay |
| Mercer, | | | ay | | Spaight, | ay |
| Lee, | | | ay | | South Carolina, | } ay |
| Monroe, | ay | Mr. Read, | ay | | | |
| | | | Beresford, | ay | | |

So it was resolved in the affirmative.

After debate, a division was called for by Mr. [John Francis] Mercer, so that a question be taken on the first part, as far as the words, "8th of June instant;" and the second question on the latter part.

Upon this the motion was withdrawn, to make way for a motion of Mr. [Elbridge] Gerry, to this effect, that on Tuesday next, Congress should stand adjourned to meet at Trenton on the 30 of October.

[Motion of Mr. Elbridge Gerry.]

Resolved, That Congress stand adjourned, with or without the usual form of adjourning ~~by the President or a chairman of Congress~~ on Tuesday the 8th instant to meet at Trenton on the 30th October following for the dispatch of public business, any thing in their resolution of the 26th of April last to the Contrary notwithstanding.¹

[Motion respecting the Committee of the States convening Congress at an earlier date than they stand adjourned for]

That the Committee may convoke Congress at an earlier day than that to which they shall stand adjourned, if the public exigencies shall in their opinion require it, [and that the rules & orders of Congress shall be adopted by the Committee.]²

An adjournment was then called for, which being carried,

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 461. It is indorsed by Thomson "... When the adjournment was called for."

² This motion, undated, in the writing of John Beatty, except the part in brackets, which is in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 569.

The President, by virtue of the powers, and in pursuance of the direction of the act of the 26 April, adjourned Congress to meet at Trenton on the 30th day of October next.

The Committee [Mr. Samuel Hardy, Mr. Hugh Williamson and Mr. James McHenry] to whom was referred a letter from the Superintendent of Finance of the 26th May, (ult^o) enclosing a letter from Joseph Pennel, Esq^r, submit the following resolve.

That the Commissioner for settling the Accounts of the Marine Department be instructed and authorized in settling the accounts of the several continental agents to make them such reasonable compensation as they may seem to have merited from the extent or difficulty of their respective services, not allowing them in any case more than a commission of five per cent.¹

That the Sup^t: Int^t of Finance ~~to take order to supply~~ furnish Col. Hull who ~~is appointed to~~ has lately been ordered by General Knox to go into Canada for the purposes mentioned in the resolution of Congress of the day of with so much money as may be necessary for his expences in that business.

Motion of M^r Francis Dana, M^r David Howell, June 3^d 1784.

Referred to the Superintend^t of finance, to take order.]²

The Committee of the Week [Mr. James McHenry, Mr. Francis Dana and Mr. Jacob Read] to whom were referred the memorial of John Ross beg leave to report, that a report of a Committee of February, 1783, be taken up.³

The Superintendent of the Finances of the United States to whom was referred the Memorial of Lieutenant Andrew Lytle begs leave, To report,

That the enclosed papers, number one two three, four and five contain the correspondence which hath passed between the Superintendent and Lieutenant Lytle.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, IV, folio 439. The indorsement indicates that it was read on this or an approximate date. It also states: "See letter M^r Pennel January 15, 1785. Report Board of Treasury June 13, 1785."

² This motion, in the writing of Francis Dana, except the part in brackets which is in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, II, folio 453.

³ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 330. Ross's memorial is on folio 327. Another letter of Ross's is in No. 78, XIX, folio 471.

On this, or an approximate date, was read a letter of the 1st from Hugh Gayron. It is in No. 78, X, folio 471.

That the enclosed paper Number six contains the copy of a report of the Board of Treasury of the fourth of August 1780 which was adopted by Congress on the seventh— And,

That the case of Lieutenant Lytle being analogous to that of Alexander Benstead, it may be proper to comply with so much of the memorial as prays an order,

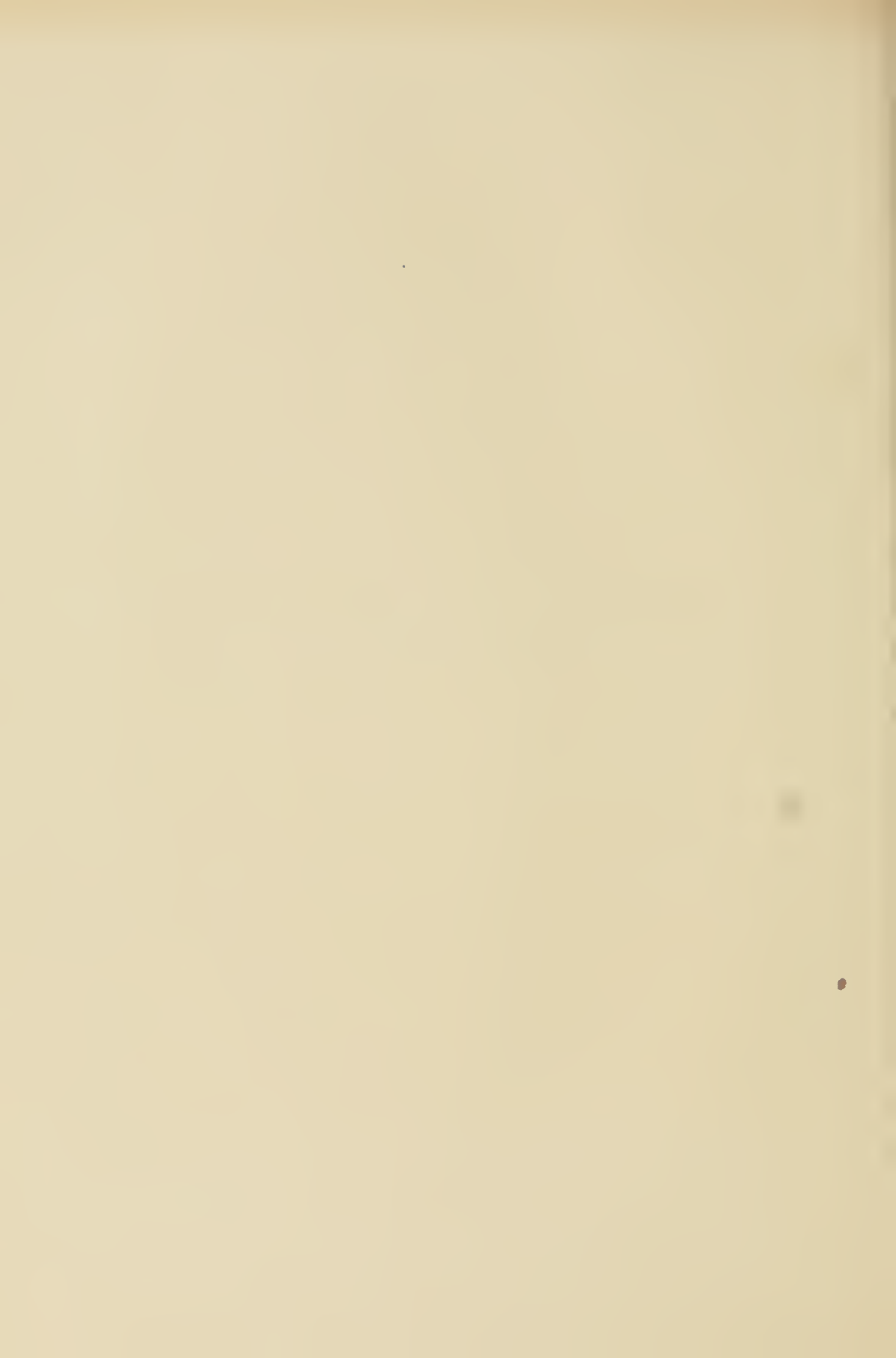
That Lieutenant Andrew Lytle be allowed to Debit the United States with the sum of seven hundred and fifty one dollars and that he receive credit for the same on the settlement of his accounts.¹

Office of Finance 5th May 1784.

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 589. The indorsement states that it was passed on this day, having been read May 11.

JOURNAL OF THE COMMITTEE
OF THE STATES

559



JOURNAL OF THE COMMITTEE OF THE STATES:¹

[Containing the Proceedings from the first Friday in June, 1784,
to the second Friday in August, 1784.]

FRIDAY, JUNE 4, 1784.

The committee of the states assembled: Present, Mr. [Jonathan] Blanchard, Mr. [Francis] Dana, Mr. [William] Ellery, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Jeremiah Townley] Chase, Mr. [Samuel] Hardy, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read.

The committee proceeded to the election of a chairman, and the ballots being taken, the hon^{b^{le}}. Mr. [Samuel] Hardy was elected.

The act of Congress, designating the powers of the committee, and making the appointment, was read as follows:

By the United States in Congress assembled, May 29, 1784.²

Resolved, That the Committee of the States, which shall be appointed pursuant to the 9th of the Articles of Confederation and perpetual Union, to sit in the recess of Congress, for transacting the business of the United States, shall possess

¹ This Journal of the Committee is in the *Papers of the Continental Congress* No. 10. The entries begin in the writing of Charles Thomson and from June 28 to August 9 the record is in the writing of Benjamin Bankson and John Kilty, Jr. Thomson on his return to the Committee made a copy of the proceedings, beginning July 10, in what appears to have been a blank book, the paper covers of which are now missing. This transcript was filed with No. 10 of the *Papers of the Continental Congress* (the bound volume of the Journal of the Committee of the States), and varies in some instances from that journal. The variations are noted where they occur.

² From this point the record is in the writing of Benjamin Bankson, except where noted.

all the powers which may be exercised by seven states in Congress assembled, except those of sending ambassadors, ministers, envoys, residents, consuls or agents, to foreign countries or courts; establishing rules for deciding what captures on land or water shall be legal, and in what manner prizes taken by land, or naval forces, in the service of the United States, shall be divided or appropriated; establishing courts for receiving and determining finally appeals in cases of capture; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post-offices established by Congress; of repealing or contravening any ordinance or act passed by Congress; or appointing civil or military officers, unless to supply the places of such within the United States as the Committee may suspend for mal-conduct, or to fill up vacancies which may hereafter happen, by death, resignation, or otherways, within the said states; provided such appointments shall not continue more than one month after the assembling of Congress in November next, unless confirmed by them.

That no question, except for adjourning from day to day, shall be determined without the concurrence of nine states.

That a chairman, to be chosen by the committee, shall preside.

That the officers of Congress, when required, shall attend on the said Committee.

That the Committee shall keep a Journal of their proceedings to be laid before Congress; and that in these Journals, which shall be published monthly, and transmitted to the Executives of the several states, shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

[That if it shall happen that any of these United States shall not be represented in Congress, at the time of electing the Committee of the States, or if no delegate shall be elected by Congress for any particular state, such state or states may be represented therein by any one of the delegates of such state or states, and the members of the delegation of any state may relieve each other, in such manner as may be agreed on by themselves, or directed by their state.

In case any unexpected and very important business occurs, in which the Committee may think the happiness or peace of the United States is involved, and to which they are not competent, it shall be their duty to appoint a day for the meeting of Congress, prior to that to which they stand adjourned, and to give notice of the same to the Supreme executives of the several states, that the delegates may have notice to attend.

That the committee shall have power to receive communications from foreign ministers, and lay them before the Congress when they shall convene, but shall transact no business with them, unless authorised thereto by particular acts of Congress.]¹

Resolved, That the Committee of the States be, and they are hereby authorised and instructed to prepare and report to Congress, an Ordinance for making the necessary arrangements of the Treasury, and for more particularly defining the powers of the Board of Treasury, and also to revise the institutions of the Office for Foreign Affairs, and of the War Office, and to report such alterations as they may judge necessary.

¹ The portion in brackets is in Thomson's handwriting.

Congress proceeded to appoint "a Committee of the States;" [and, the ballots being taken, the following members were elected:]¹ For

| | |
|--|--|
| <i>New Hampshire</i> , Mr. [Jonathan] Blanchard. <i>Massachusetts</i> , Mr. [Francis] Dana. <i>Rhode Island</i> , Mr. [William] Ellery. <i>Connecticut</i> , Mr. [Roger] Sherman. <i>New York</i> , Mr. [Charles] De Witt. | <i>New Jersey</i> , Mr. [Samuel] Dick. <i>Pennsylvania</i> , Mr. [Edward] Hand. <i>Maryland</i> , Mr. [Jeremiah Townley] Chase. <i>Virginia</i> , Mr. [Samuel] Hardy. <i>North Carolina</i> , Mr. [Richard Dobbs] Spaight. <i>South Carolina</i> , Mr. [Jacob] Read. ² |
|--|--|

~~On the application of the Sec^y of Congress~~

On the report of a committee, consisting of Mr. [Francis] Dana, Mr. [Thomas] Stone, and Mr. [Jacob] Read, to whom was referred a letter of 28 May, from the Supreme Council of Pennsylvania, and a motion of the delegates for that State:

Resolved, That the Supreme Executive Council of Pennsylvania, be acquainted, that Congress having been ~~previously informed~~ notified, by the minister of his Most Christian Majesty, of the violation of ~~the privileges~~ the laws of nations committed by a subject of his said Majesty, in assaulting ~~and beating~~ M. De Marbois, consul-general and secretary to the said legation, have judged it proper to request the executives of the several states in the Union, to issue their proclamation offering a reward to any person who shall discover the offender, so that he might be apprehended and brought to condign punishment. That by these proceedings, which have already been forwarded to them, the president and council of the State of Pennsylvania will find that the measures pursued by them perfectly coincide with those

¹ The words in brackets are in Thomson's writing.

² From this point the record is in Thomson's writing.

recommended by Congress. That ~~it is with the fullest approbation Congress learn~~ the exertions of the President and supreme executive council of the State of Pennsylvania, to maintain the dignity of the United States, to preserve the public repose, and to assert the law of nations, meet the fullest approbation of the Committee of the States; and that it is with singular pleasure Congress they receive this fresh instance of the entire regard of the president and council of the State of Pennsylvania, for the representatives of the Sovereignty of this Union.

On motion of Mr. [Francis] Dana, seconded by Mr. [Richard Dobbs] Spaight,

Whereas Congress do now stand adjourned to the 30 of October next, then to meet at Trenton, in New Jersey, and as public letters and despatches may continue to be addressed to the president of Congress, as usual, during their session, which may occasion an unnecessary delay before they will arrive to the committee of the states:

Resolved, That the postmaster general be directed to instruct his deputies in the several post-offices, to forward all such letters and papers which may come in to their offices, addressed as aforesaid, to the chairman of the committee of the states, at the place where they may hold their session.

The secretary having informed the committee, that it is necessary for him to return to Philadelphia,

Ordered, That he have leave, until he shall be required to attend, and that in his absence, one of the clerks attend the Committee of the States and make the entries.

On motion of Mr. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read,

Resolved, That the chairman write to the Executives of the states of Delaware, and Georgia, requesting them

respectively to send forward one of their delegates to attend in the *Committee of the States*.¹

On the report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Thomas] Stone, and Mr. [Francis] Dana, to whom was referred a letter of the Sieur Caron de Beaumarchais, of the 14 April, 1783, and of his agent Le Vaigneur:

Resolved, That the Sieur Le Vaigneur be informed, that Mr. Silas Deane was not authorised to settle the accounts of the Sieur Caron de Beaumarchais, stiling himself the representative of Roderique Hortalez & Co. and that Congress seeing no reason for altering their instruction to their consul in France, the Sieur de Beaumarchais must therefore settle his accounts with him.

Resolved, That no arrangements can be taken for paying any part of the demand of the said Caron de Beaumarchais, till his accounts are settled by the consul of the United States in France.

Resolved, That the Superintendent^t of finance transmit to Mr. Barclay, consul in France, a copy of the refusal of Mr. Carabasse, agent for the Sieur de Beaumarchais, stiling himself representative of Roderique Hortalez & Co. to deliver to the agent of the United States, certain goods charged to the said estates, by the said Beaumarchais.

On motion of Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs] Spaight,

Resolved, That for the benefit of the health of the Members, and to give an opportunity for some respite after the long session and weighty business lately before Congress, the Committee of the States do now adjourn to Saturday, 26 day of June instant.

¹ This motion, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 36, II, folio 471.

That the Committee of the States do on the said 26th of June meet and hold their sessions in the city of Philadelphia ~~till the meeting of Congress in October next at Trenton.~~¹

SATURDAY, JUNE 26, 1784.

The following members of the Committee of the States met according to adjournment, viz. for New Hampshire, Mr. [Jonathan] Blanchard; Massachusetts, Mr. [Francis] Dana; Pennsylvania, Mr. [Edward] Hand; Virginia, Mr. [Samuel] Hardy; South Carolina, Mr. [Jacob] Read.

But there not being a sufficient number to proceed to business, the Committee of the States is adjourned to Monday next, at ten o'clock, A. M.²

MONDAY, JUNE 28, 1784.

The following members of the Committee of the States met, viz. for New Hampshire, Mr. [Jonathan] Blanchard; Massachusetts, Mr. [Francis] Dana; Pennsylvania, Mr. [Edward] Hand; Maryland, Mr. [Jeremiah Townley] Chase; Virginia, Mr. [Samuel] Hardy; South Carolina, Mr. [Jacob] Read.

But there not being a sufficient number to proceed to business, the Committee of the States is adjourned till ten o'clock to-morrow.

TUESDAY, JUNE 29, 1784.

The following members of the Committee of the States met, viz. for New Hampshire, Mr. [Jonathan] Blanchard; Massachusetts, Mr. [Francis] Dana; Pennsylvania, Mr. [Ed-

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 463. Only the first paragraph was agreed to.

On this day, as the indorsement states, a letter of May 27, 1784, Philadelphia, from Huron & Belzoeu was referred to the Agent of Marine. It is in No. 78, XII, folio 343.

² The proceedings for this day are in the writing of John Kilty, Jr.

ward] Hand; Virginia, Mr. [Samuel] Hardy; South Carolina, Mr. [Jacob] Read.

But there not being a sufficient number to proceed to business, the Committee of the States is adjourned till ten o'clock to-morrow.

WEDNESDAY, JUNE 30, 1784.

Mr. William Houstoun, a delegate from the state of Georgia, attended, and produced credentials.¹

The following members of the committee of the states met, viz. for New Hampshire, Mr. [Jonathan] Blanchard; Massachusetts, Mr. [Francis] Dana; Pensylvania, Mr. [Edward] Hand; Maryland, Mr. [Jeremiah Townley] Chase; Virginia, Mr. [Samuel] Hardy; North Carolina, Mr. [Richard Dobbs] Spaight; South Carolina, Mr. [Jacob] Read; Georgia, Mr. [William] Houstoun.

But there not being a sufficient number to proceed to business, the Committee of the States is adjourned to ten o'clock to-morrow.²

THURSDAY, JULY 1, 1784.

The same members attended as yesterday, but there not being a sufficient number to proceed to business, the Committee of the States is adjourned to ten o'clock to-morrow.

FRIDAY, JULY 2, 1784.

The same members attended as yesterday, but there not being a sufficient number to proceed to business, the Committee of the States is adjourned till ten o'clock to-morrow.

¹ See *post*, July 5.

² This day's proceedings are in the writing of John Kilty, Jr.

SATURDAY, JULY 3, 1784.

The same members attended as yesterday, but there not being a sufficient number to proceed to business, the Committee of the States is adjourned to Monday ten o'clock, A. M.

MONDAY, JULY 5, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The credentials produced by Mr. [William] Houstoun, the 30th June, under the great seal of the State of Georgia, were read; whereby it appears that on the 9th of January and 23d of February last, William Houstoun, Edward Telfair, Joseph Habersham, William Few, William Gibbons and General Lachlin M'Intosh, Esquires were elected to represent that State in Congress.¹

That a Committee be appointed to prepare and lay before the Committee of the States a Draft of such Rules as may be necessary for the Government and more conveniently conducting business in the Committee of the States.

Read.

Spaight.²

¹ On this, or an approximate date, was read a petition, dated New York, June 16, 1784, of Dr. Joseph Boyer Pellon. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 286.

Also, a petition from Chris Champlin, which was referred to Mr. [Jacob] Read, Mr. [Francis] Dana and Mr. [Jeremiah Townley] Chase. It is in No. 59, III, folio 235.

Also, a letter of May 22 from the governor of Connecticut, Matthew Griswold. It is in No. 66, II, folio 270.

Also, another letter of June 12, 1784, from him. It is in No. 66, II, folio 272.

² This motion, undated, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 21. According to the indorsement it was referred to Mr. [Edward] Hand, Mr. [Jacob] Read, Mr. [Francis] Dana, Mr. [Jeremiah Townley] Chase and Mr. [William] Houstoun.

GEORGIA.

By the Honorable John Houstoun, Esquire, Captain General,
Governor and Commander in Chief in and over the State
aforesaid.

To all to whom these Presents shall come, GREETING:

KNOW YE, That the Honorable James Habersham, Esquire, who
hath made and Signed the within Certificate was and is Speaker,
and John Wilkinson, Esquire, who hath attested the within Extracts
was and is Clerk, of the Honorable House of Assembly of the State
aforesaid.

THEREFORE all due Faith Credit and Authority are and ought to
be had and given to their respective Signatures as such.

IN FAITH and TESTIMONY whereof I have here-
unto set my hand and caused the Great Seal
of the said State to be put and affixed at
Savannah this twelfth day of May in the year
of our Lord one thousand seven hundred and
Eighty four, and of the Sovereignty and Inde-
pendence of the United States of America the
Eighth.

J. HOUSTOUN

(With the great seal
appendant)

By his Honor's Command

J. MILTON, *Sec^r*

STATE OF GEORGIA

HOUSE OF ASSEMBLY, *January 9th 1784.*

Resolved that the House do immediately Proceed to the choice of
Four Delegates to Represent this State in Congress, and on Casting
up the Ballots, Samuel Elbert, William Houstoun, Edward Telfair,
and Joseph Habersham Esquires, were Elected.

Extract from the Minutes

JOHN WILKINSON, *C. G. A.*

HOUSE OF ASSEMBLY, *January 21st, 1784*

Samuel Elbert Esq^r one of the Continental Delegates Chosen to
Represent this State in Congress, for the Present year, declined
Serving.

Extract from the Minutes

JOHN WILKINSON, *C. G. A.*

July, 1784

571

HOUSE OF ASSEMBLY *February 23^d 1784.*

The House Proceeded to the Election of Continental Delegates in Addition to those already appointed; and on Counting the Ballots the following Gentlemen were Declared Elected, Vz^t William Few, William Gibbons, Esquires, and General Lachlin M^cIntosh.

Extract from the Minutes

JOHN WILKINSON, *C. G. A.*

STATE OF GEORGIA

By the Hon'able James Habersham Esquire, Speaker of the Hon'able the House of Assembly of the said State,
To all whom it may concern,

These are to Certify that John Wilkinson, Esquire, who hath attested the within Extracts, from the Journals of the Honourable the House of Assembly is, and was at the time of the dates of the said Extracts, Clerk of the said House of Assembly, and that I have carefully compared the said Extracts with the Original Journals, in the hand writing of the said John Wilkinson, and find the same to be just and true Copies therefrom. Wherefore all due Faith and Credit are and ought to be had and given to the Attestation of the said John Wilkinson, and to the said Extracts from the Journals of the said Hon'able House of Assembly.

Given under my hand at Savannah this 12th day of May, in the Year of our Lord 1784.

JA^s HABERSHAM

*Speaker.*¹

TUESDAY, JULY 6, 1784.

Eight states only attending, viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina, the Committee of the States is adjourned till ten o'clock to-morrow.

¹ The original is in the *Papers of the Continental Congress, Georgia, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

WEDNESDAY, JULY 7, 1784.

Eight states only attending, viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and Georgia, the Committee of the States is adjourned till ten o'clock to-morrow.

THURSDAY, JULY 8, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The Committee, consisting of Mr. [Edward] Hand, Mr. [Jacob] Read, Mr. [Francis] Dana, Mr. [Jeremiah Townley] Chase and Mr. [William] Houstoun, appointed to prepare and lay before the Committee of the States, a draft of such rules as may be necessary for the government and more conveniently conducting business in the Committee of the States, reported rules, which being amended, were agreed to, and are as follows:

1. As soon as the chairman assumes the chair, the members shall take their seats.

2. The minutes of the preceding day shall then be read; and after that, the public letters, petitions and memorials, if any have been received or presented, in the order mentioned.

3. Every letter, petition, or memorial read, on which no order is moved, shall of course be considered as ordered to lie on the table, and may be taken up at any future time.

4. After the public despatches, &c. the reports of committees, which may have been delivered by them to the secretary, shall, for the information of the Committee, be read, in the order in which they were delivered; and if it is judged proper, a time be assigned for considering them: But no report shall be taken into consideration the day on which it is first read, without general consent.

5. After the public letters, &c. are read, and orders given concerning them, the reports of the Board of Treasury, and of the Board of War, if any, shall be taken into consideration.

6. When a report which has been read and lies for consideration, is called for, it shall immediately be taken up. If two or more are called¹ for, the titles of the several reports shall be read, and then the chairman shall put the question in the order they have been called for, upon which there shall be no debate; and the vote of the Committee of the States shall determine which is to be taken up.

7. When a report is brought forward for consideration, it shall first be read over, and then debated by paragraphs, and each paragraph shall be subject to amendments. If it relates only to one subject, being in the nature of an Ordinance, it shall be subject to such additions as may be judged proper to render it compleat; and then it shall be read over as it stands amended, and a question taken upon the whole. But if it comprehends different subjects, independent one of another, in the form of distinct acts or resolutions, a question shall be taken on each.

8. When any Ordinance is introduced by report or otherwise, it shall be read a first time for the information of the Committee, without debate. The chairman shall then put the following question, "Shall this Ordinance be read a second time?" If it passes in the affirmative, then a time shall be appointed for that purpose, when it shall be read and debated by paragraphs; and when gone through, the question shall be, "Shall this Ordinance be read a third time?" If agreed to, and a time appointed, it shall be accordingly read by paragraphs, and, if necessary, debated; and when gone through, the question shall be, "Shall this Ordinance pass?" If the vote is in the affirmative, a fair

¹ From this point the proceedings are in the writing of John Kilty, Jr.

copy shall then be made out, signed by the chairman, and attested by the secretary in the Committee of the States, and recorded in the Secretary's Office.

~~9. Each member by his own motion may bring any matter before the Committee of the States for their consideration.~~

9. Any member by instructions from his State, or claiming it in right of his State, may bring any matter before the Committee of the States for their consideration.¹

10. When a motion is made and seconded, except where a second is unnecessary from the preceding rule, it shall be repeated by the chairman, or being in writing, it shall be delivered to the chairman, and read aloud at the table before it shall be debated.

11. Every motion shall be reduced to writing, if required by the chairman or any member.

12. After a motion is repeated by the chairman, or read at the table, it shall then be in the possession of the Committee; but may at any time before decision, be withdrawn.

13. No member shall speak twice in any debate, until every member who chooses, shall have spoken once on the same subject.

14. When a question is before the Committee and under debate, no motion shall be received unless for amending it, for the previous question, or to postpone the consideration of the main question, or to commit it.

15. No new motion or proposition shall be admitted under colour of amendment, as a substitute for the question or proposition under debate, until it is postponed or disagreed to.

16. The previous question (which is always to be understood in this sense, that the main question be not now put) shall only be admitted when in the judgement of two members at least, the subject moved is in its nature, or from the

¹ This paragraph, as an amendment, is in the writing of Jacob Read. It is pasted on the report.

circumstances of time or place, improper to be debated or decided, and shall therefore preclude all amendments and further debates on the subject, until it is decided.

17. A motion for commitment shall also have preference, and preclude all amendments and debates on the subject, until it shall be decided.

18. On motions for the previous question, or for postponing, no member shall speak more than once.

19. The members shall ballot for committees; but if upon counting the ballots, the number required shall not have been elected, the chairman shall name the members who have been balloted for, and the Committee of the States shall, by a vote or votes, determine the committee, unless a new ballot be called for.

20. If a question under debate contains several points, any member may have it divided.

21. When a question is about to be put, it shall be in the power of any one of the members to postpone the determination thereof until the next day; and in such case, unless it shall be further postponed by order of the Committee, the question shall the next day, immediately after reading the public despatches, &c. and before the Committee go upon other business, be put without any debate, provided there be a sufficient number of members present to determine it. If that should not be the case, it shall be put without debate, as soon as a sufficient number shall have assembled.

22. If any member chuses to have the yeas and nays taken, upon any question, he shall move for the same, previous to the chairman's putting the question; and in such case, every member present shall openly and without debate, declare by *ay* or *no*, his assent or dissent to the question.

23. Every member, when he chuses to speak, shall rise and address the chairman. When two members chance to rise at the same time, the chairman shall name the person

who is to speak first. Every member, both in debate, and while the Committee of the States are assembled, shall conduct himself with the utmost decency and decorum. If any member shall transgress, the chairman shall call to order. In case the disorder be continued or repeated, the chairman may name the person transgressing. Any member may call to order.

24. When a member is called to order, he shall immediately sit down. If he has been named as a transgressor, his conduct shall be enquired into, and he shall be liable to a censure.

25. When a question of order is moved, the chairman, if he is in doubt, may call for the judgement of the Committee: otherwise he shall, in the first instance, give a decision, and an appeal shall lie to the Committee; but there shall be no debate on questions of order, except that a member called to order for irregular or unbecoming conduct, or for improper expressions, may be allowed to explain.

26. A motion to adjourn may be made at any time, and shall always be in order, and the question thereon, shall always be put without any debate.

27. On every Monday, after reading and taking order on the public despatches, a committee of three shall be appointed, who shall every morning during the week, report to the Committee of the States, the orders necessary to be made on such despatches as may be received, during the adjournment or sitting of the Committee of the States, upon which no order shall have been made.

28. Whensoever a motion is made for striking out one or more words, in order that something may be inserted instead thereof, the debate shall turn upon the propriety of the proposed insertion, and the question shall be, "Shall the proposed amendment be made?" Whensoever a motion is made for striking out one or more words, but no proposi-

tion is made to insert any thing else, the question shall be upon the words proposed to be struck out, in the following manner, "Shall these words stand?"

29. Whenever the chairman for the time being shall be prevented by sickness or otherwise from attending the Committee of the States, one of the members present shall be chosen by ballot, to act during his absence, and the member so chosen shall be authorized to sign and authenticate all official papers while he acts as chairman.¹

²On the report of a committee, consisting of Mr. [Jacob] Read, Mr. [Francis] Dana and Mr. [Jeremiah Townley] Chase, to whom was referred an application of Christopher Champlin, stating, that a ship called the *Hydra*, will shortly sail from Newport in Rhode Island, for Bengal, in India, and from thence to the port of Canton, in China, under the command of John Clark, and requesting sea-letters for said Clark, and William Green, supercargo:

Resolved, That sea-letters be granted for the said John Clark and William Green, in the form following:

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise and prudent emperors, kings, republics, princes, dukes, earls, barons, lords, burgo-masters, counsellors, as also judges, officers, justiciaries, and regents of all the good cities and places, whether ecclesiastical or secular, who shall see these presents or hear them read:

We the United States of America in a Committee of the States assembled, make known, that John Clark, captain of the ship called the *Hydra*, and William Green, the supercargo on board her, are citizens of the United States of America, and that the ship which the said John Clark commands, belongs

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folios 15–20.

A copy of the twenty-eight rules adopted, in the writing of a clerk, is in No. 23, folio 205.

² At this point the proceedings are resumed by Benjamin Bankson.

to citizens of the said United States, and as we wish to see the said John Clark and William Green prosper in their lawful affairs, our prayer is to all the beforementioned, and to each of them seperately, where the said John Clark and William Green shall arrive with their vessel and cargo, that they may please to receive them with goodness, and treat them in a becoming manner, permitting them upon the usual tolls and expences in passing and repassing, to pass, navigate and frequent their ports, passes and territories, to the end, to transact their business where and in what manner they shall judge proper, whereof we shall be willingly indebted. In testimony whereof, &c.¹

[Motion of Mr. Dana July 8 referred to the Secretary of Congress to take order.]

Ordered, that the Secretary of Congress M^r Charles Thompson fix the Great Seal of the United States to the sea letters granted to John Clark Commander of the Ship *Hydra* and attest the same and then deliver it to M^r William Ellery Jun^r:²

¹ This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 32, folios 11–13.

On this day according to the indorsement, was read a letter of April 26, from Thomas Chittenden, Governor of Vermont, and ordered to lie. It is in the *Papers of the Continental Congress*, No. 40, II, folios 463, 465.

Also, probably on this or an approximate date, a memorial of Samuel Tucker was read. It is in No. 41, X, folio 195.

Also, a letter of February 19, 1784, from John Beattie. It was "ordered to lie." It is in No. 78, IV, folio 425.

Also, a letter of 8 April, from David S. Franks. It is in No. 78, VIII, folio 523.

Also, a letter of 20 June, from Isaac Melcher. It was referred to the Committee of the Week and on July 15 ordered to lie for the consideration of Congress. It is in No. 35, folio 109.

² This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 36, IV, folio 289.

Also, on this or an approximate date, a petition of Judith Warren. It is in No. 36, folio 153.

FRIDAY, JULY 9, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

The committee, consisting of Mr. [Jacob] Read, Mr. [Francis] Dana, and Mr. [Jeremiah Townley] Chase, to whom were referred two letters from Mr. Adams, minister plenipotentiary of the United States of America at the Hague, of 27th March, and 10th April, 1784, with sundry papers enclosed, reported the draft of a letter to the said minister, which was agreed to.

The Committee [Mr. Jacob Read, Mr. Francis Dana and Mr. Jeremiah Townley Chase] to whom was referred the letters of M^r Adams, Minister Plenipotentiary of the United States at the Hague, with the papers inclosed, report the following draft of a letter to him thereupon, to be signed by the Chairman of the Committee of the States.

ANNAPOLIS *July 1784.*

SIR,

Your letters of the 27th of March and the 10th of April together with a copy of the plan of a Treaty proposed by his Prussian Majesty, and Copies of the letters one without Date, and one of the 14th and another of the 25th of March last from the Prussian Minister at the Hague to yourself relative to that subject, and also a note from the same Minister respecting the Estate of one Christian Ravenhorst, and of his widow late of Georgia, and the Claims of several Prussian subjects thereto, have come to hand a few days since and after the adjournment of Congress; who stand adjourned to the 30th of Oct^r next.

The Committee of the States not having a power to appoint foreign Ministers, or to form Treaties, cannot grant such a Commission as you request or make any alterations in the proposed Treaty, or give any Instructions relative thereto.

Nor indeed can it now be necessary to be done, as Congress have already appointed yourself D^r Franklin and M^r Jefferson (who we suppose, is now on his passage from Boston) their Ministers to form Commercial Treaties with most of the Sovereigns of Europe, one among whom the King of Prussia is named. M^r Jefferson carries

with him a Commission for that purpose, and such Instructions as Congress have thought proper to give in addition to those heretofore sent to their Ministers.

Touching the subject of the note above mentioned, upon the supposition that the facts stated in it are true, you are very sensible that the parties interested may obtain ample Justice in the ordinary Courts of Law, either by their sending an agent to Georgia, or full powers to some person there, with the necessary proofs to prosecute their Claims; and that Congress cannot interfere in the administration of common Justice within any of the United States; Copies of the will and other papers mentioned in the note, may doubtless be had upon application to the proper officers in Georgia.¹

The Agent of Marine to whom it was referred to Report to Congress a reasonable allowance per day for naval officers employed on Courts martial begs leave to offer the following resolution viz.

Resolved, That such naval officers as have been employed on Courts Martial out of the States of their residence or in a State where the ships or vessels of war to which they were attached did not lie at the time of their being so employed be and they are hereby entitled to an extra allowance of three dollars and one third of a dollar per day each in addition to the pay and subsistence to which they were entitled by former acts of Congress.

That the said extra allowance commence on the day such officer or officers set out from his or their place of residence or from the ship or vessel of war to which they were attached at the time & continue until they return to their said residence, ship or vessel of war. Provided that not more than a reasonable time for going to and returning from the place of the sitting of such Court be allowed.

Marine Office 5 July, 1784.²

¹ This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 29.

On this, or an approximate date, as the indorsement indicates, was read a letter dated Paris, February 24, 1784, from Inspector Beden. It is in No. 59, IV, folio 119.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 663. The indorsement states that it was referred on this day to Mr. [Jacob] Read, Mr. [Jonathan] Blanchard and Mr. [Jeremiah Townley] Chase, referred to Congress and passed April 11, 1787.

SATURDAY, JULY 10, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Jeremiah Townley] Chase and Mr. [Jacob] Read, to whom was referred a letter from George R. Clarke, of the 26th April, 1784.

Resolved, That Brigadier-General Clarke be informed, in answer to his said letter, that Congress appointed him a commissioner for treating with the Indian nations, from a thorough persuasion of his abilities to discharge that trust. That his appointment is ~~still~~ in full force, his name being included in the general commission for treating with the Indians, but that his ~~attendance to the duties of the office~~ acceptance must be altogether optional with him. That in any casual conference he may have with ~~the~~ western Indians or any of them, the Committee of the States can only authorise him to acquaint them, that it is the earnest desire of the United States in Congress assembled, to be at peace with them; that they have, for that purpose, appointed commissioners to treat with them; that those commissioners have plenary powers; that they are directed to fix on the most convenient times and places for assembling the several nations and tribes of Indians, of which they, the said Indians, will, with all convenient despatch, be informed. And that they may rest assured, the United States will not, in the mean time, undertake any thing to their disadvantage, unless provoked thereto by ~~them~~ hostilities on their part.

Resolved, That copies of General Clarke's letter, and the answer thereto, be transmitted by the Secretary to the Commissioners for treating with the Indians.¹

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 39. Clark's letter is in No. 78, VI, folio 231.

Resolved, That the Honorable the Commissioners for Treating with the Indian nations be and they are hereby empowered to confer with Colonel Geo. Morgan of Princeton in the State of New Jersey relative to the instruction of the Indian youths at Princeton and with him to take such measures as may appear proper and most for the Satisfaction of the said youths and beneficial to the Interest of the United States of America for the proper support of the said youths and for their return to their own Country as in the wisdom of the said Commissioners shall seem meet.¹

On a report of the same committee, to whom was referred a letter of the 15 June, from Ebenezer Hazard, postmaster general,

The Committee Consisting of M^r [Edward] Hand, M^r [Jeremiah Townley] Chase, and M^r [Jacob] Read to whom was referred a letter of the 15th June, 1784, from Eben Hazard Post Master Gen^l, setting forth "That he had directed a suit to be instituted against Gershom Johnston for a violation of the 5th Section of the ordinance for regulating the post office; that Johnston appeared to be sensible of his error and wished that the prosecution might not be suffered to go on; that he did not think himself authorised to discontinue the suit, and prayed for the orders of the Committee of the States,"

Having taken the same into consideration, beg leave to report, that by the 6th Section of the ordinance for regulating the post office, it is ordained, "That if any person not being a post or express rider in the service of the Gen^l post office, shall carry any letters, packets or other dispatches from one place to an other within these U. S. on any of the post roads to any place within these U. S. for hire or reward, except in cases as is herein before excepted, or shall not when bringing letters from beyond Sea for hire or reward, deliver the same at the post office, if any there be at the place of his or her arrival, he or she shall, in each of the before mentioned cases forfeit and pay, for every such offence, Twenty dollars; to be recovered by the postmaster gen^l or any of his deputies, in an action for debt in the State wherein the offence shall have been committed, with costs of suits." That Congress by their act of the 29th day of May last have resolved,

¹ This resolution, undated, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 61. It belongs, apparently, to this period.

that the committee of the States shall not "repeal or contravene any ordinance or act of Congress."

Your Committee therefore beg leave to offer the following resolution:

Resolved, That Ebenezer Hazard, postmaster general, be informed, in answer to his letter of the 15 day of June last, that the committee of the states ~~do not find themselves at liberty~~ are not authorised to order a discontinuance of the suit commenced by his direction against Gershom Johnson, for a violation of the 5th section of the ordinance for regulating the post office.¹

[Report of M^r: Edward Hand, M^r: Jeremiah Townley Chase, M^r: Jacob Read to whom was referred a letter of June 24, 1784, relative to petition of Robert Shewell in case of Brig L'amiable Elizabeth.]

The Committee consisting of M^r: [Edward] Hand M^r: [Jeremiah Townley] Chase and M^r: [Jacob] Read, to whom was referred a letter of the 24th of June, 1784, from Cha^s: Thomson Sec^r: of Congress.

Beg leave to report, That in their opinion, the Committee of the States are fully competent to decide on the report of a Committee of Congress on the petition of Robert Shewell.²

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Francis] Dana and Mr. [Roger] Sherman, to whom was referred a petition of Robert Shewell, with sundry papers enclosed,

Resolved, That copies of the papers relating to the brig *l'Amiable Elizabeth*, a French vessel that was deserted by her crew at sea, and was boarded and taken up by citizens of the United States, on the 5th April, 1783, and carried into St. John's, in Newfoundland, where she was seized by a public officer, and her cargo disposed of, be sent to our ministers for negotiating treaties of commerce with foreign

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 31. Hazard's letter is in No. 61, folio 173.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 37. The indorsement states that it was read this day.

powers; and that they be instructed ~~to inquire into the circumstances of the seizure and destruction of said vessel~~ to require of the British Court, that the full value of the said brig and her cargo, be restored for the benefit of Robert Shewell, by whose order she was taken up at sea, and other just claimants, according to the laws and usage of civilized, commercial and friendly nations.¹

[Motion of M^r: Francis Dana seconded by M^r: Jacob Read, referred to M^r: Francis Dana, M^r: Edward Hand M^r: Richard Dobbs Spaight]

That a Committee be appointed to take into Consideration an advertisement signed S^t: John agent for the French packet boats dated Boston May, 1784, published in the Boston Gazette and the Country Journal of the 31st: of May last and to report to the Committee of the States the measures necessary to be taken to prevent the revenue of the post office from being prejudiced thereby.²

MONDAY, JULY 12, 1784.

The Committee of the States assembled; Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The committee, consisting of Mr. [Francis] Dana, Mr. [Edward] Hand and Mr. [Richard Dobbs] Spaight, appointed to take into consideration an advertisement published in "The Boston Gazette, and the Country Journal," of the 31st of May last, signed "St. John, agent for the French packet-boats," and dated "Boston, May, 1784"; report,

That the said advertisement is an open avowal of a ~~direct~~ an intention to contravene an ordinance of the ~~United States~~ United States Congress for regulating the post-office of these United States; and that the measures therein mentioned, and said

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 35. A copy signed by Thomson is in No. 44, folio 431.

² This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 75.

to have been taken by the said St. John, are a flagrant violation of the same ordinance, as well on his part as on the part of others said to be concerned with him; will greatly injure the revenue of the post-office, and, if not prevented, may defeat that useful institution. That therefore the postmaster general be furnished with a copy of the advertisement referred to, and ordered immediately to make enquiry into this matter, and ~~if he should obtain sufficient evidence to prosecute the offender~~ if he should find that the said ordinance hath been violated in consequence of the abovementioned advertisement, that he cause the offenders to be prosecuted according to law.¹

Resolved, That the Committee of the States agree to the said report.

~~The report of a Committee consisting of Mr. [David] Howell, Mr. [Arthur] Lee and Mr. [James] Tilton, to whom was referred a letter of December 13th 1783, from Joseph Reed, Esq., was taken up, which being under debate, an adjournment was called for and agreed to.~~

TUESDAY, JULY 13, 1784.

Eight states only attending, viz. Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; the Committee of the States is adjourned till ten o'clock to-morrow.

WEDNESDAY, JULY 14, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Mr. [Richard Dobbs] Spaight, a delegate from the State of North Carolina, laid before the Committee of the States,

¹ This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 73.

seven acts of the legislature of that State, certified under the great seal, the titles of which are as follows:

“An act vesting a power in the United States in Congress assembled, to levy a duty on foreign merchandize for the use of the United States.”¹

“An act for levying a tax for the purposes therein mentioned, and for investing the United States in Congress assembled, with a power to collect the same.”²

“An act ceding to the Congress of the United States, certain western lands therein described, and authorising the delegates from this State in Congress, to execute a deed or deeds for the same.”³

“An act for authorising the United States in Congress assembled, to regulate the trade of this State with foreign nations.”⁴

“An act vesting certain powers therein mentioned, in the United States in Congress assembled.”⁵

“An act directing the appointment of delegates, agreeable to the recommendation of Congress.”⁶

“An act to empower the delegates of this State in Congress, to assent to a repeal of part of the eighth Article of Confederation and perpetual Union, between the thirteen states of America, and to subscribe and ratify the alteration proposed in the recommendation of Congress of the 18th April, 1783, in place thereof, as part of the said instrument of Union.”⁷

¹ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 45.

² A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 51.

³ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 63.

⁴ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 71.

⁵ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 73.

⁶ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 75.

⁷ A copy of this act is in the *Papers of the Continental Congress*, No. 76, folio 43. Governor Martin's certificate, dated June 5, 1784, enclosing the copies of the seven acts, is on folio 77.

The Committee of the week [Mr. Jonathan Blanchard, Mr. Samuel Dick and Mr. Edward Hand] to whom was referred a letter from J. Melchor, enclosing a memorial from Judith Warren of Montreal praying redress for the losses she sustained in consequence of her adherence to the side of America and attention to the troops that marched against Quebec in 1775.

Report, as no persons have been appointed by Congress for receiving and deciding upon such claims—that the same lay over for the consideration of Congress.¹

The Committee of the week [Mr. William Houstoun, Mr. Samuel Dick and Mr. Richard Dobbs Spaight] to whom was referred a Memorial of Col. W^m Finnie Late D. Q. M. G. for the Southern Department with several authentic documents, stating that in the month of August, 1780, the said William Finnie was required to furnish boots for Col. White's and Baylor's dragoons then on their march to join the Southern army, that he applied to Robert Gilbert of the city of Williamsburg for the same who refused to deliver them unless the said Finnie would *personally* undertake to pay him £180 per pr. That the said Robert Gilbert has since instituted a suit in the Court of Hustings for the city of Williamsburg against the said W^m Finnie upon his private assumption and recovered a Judgment against him for £197 Specie, Report, that the said memorial with the papers accompanying it, lay over for the consideration of Congress the Committee of the States in the opinion of your Committee not having power to decide thereon.²

THURSDAY, JULY 15, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

Mr. [Jacob] Read, a delegate from the State of South Carolina, laid before the Committee of the States two

¹ This report, in the writing of Samuel Dick, is in the *Papers of the Continental Congress*, No. 32, folio 573. The indorsement gives it this date.

² This report, in the writing of William Houstoun, is in the *Papers of the Continental Congress*, No. 41, III, folio 290. The indorsement indicates that it was presented on this day and that on July 13, 1785, the documents referred to were withdrawn and so receipted by S. Hardy for William Finnie.

On this day, as the indorsement states, was read a letter from the Massachusetts delegates, dated Annapolis, June 6, 1784. It is on No. 59, II, folio 239.

printed acts of the general assembly of that state; one entitled, "An act for investing the United States in Congress assembled, with a power to levy,¹ for the use of the United States, certain duties upon goods imported into this state, from any foreign port, island or plantation." And the other entitled, "An act to authorize the United States in Congress assembled, to regulate trade from the British West Indies." As also a resolution of the said general assembly, which is in the words following:

"*March 21, 1784. Resolved,* That the legislature will confirm the engagement the delegates of this State in Congress entered into, that the controversy arising on Commodore Gillon's contract with Lieutenant-Colonel Laurens, be settled by arbitration: and that whenever the Superintendent of Finance shall determine that the United States have cause of action against Commodore Gillon, in behalf of this state, and acquaint the governor of this state with such determination, that the governor, with the advice of the privy council, do appoint arbitrators in behalf of this State, to meet the arbitrators appointed by the Superintendent of Finance in this state; and that this State will abide by the award of the said arbitrators, and save harmless Commodore Gillon from any damages that may accrue to him, in consequence of his contract with Colonel Laurens, in behalf of this State."

The Committee of the week [Mr. Jonathan Blanchard, Mr. Samuel Dick and Mr. Edward Hand] to whom was referred a petition of Reuben Murray late a Lieutenant in Capt. Swift's company in Col. Burrell's Regiment serving in the Northern army, stating that the said Murray was ordered to take charge of sixty sick men belonging to the same regiment, and to march them from Point de Chambeax to Chamblee, and to furnish them with such provisions as he could not obtain from the public stores, that in consequence of the said

¹ From this point the record is in the writing of John Kilty, Jr.

orders, he furnished the necessary stores, and marched the said men to Chamblee.

That he has never received any recompense, and praying for compensation.

Report that the said petition lay over for the consideration of the next Congress. The Com^{tes} of the States in the opinion of your Committee not having power in the opinion of your Com^{tes} to decide thereon.¹

FRIDAY, JULY 16, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

Mr. [Samuel] Hardy, a delegate from the State of Virginia, laid before the Committee of the States, copies of two acts of the general assembly of that State; one entitled, "An act authorizing the delegates representing this State in Congress, to subscribe and ratify an alteration of the eighth of the Articles of Confederation and perpetual Union, between the thirteen states of America."² And the other, "An act to invest the United States in Congress assembled, with additional powers for a limited time."³ Also resolutions of the said general assembly, which are as follows:

"Virginia, in the House of Delegates, Wednesday, the 19th of May, 1784.

"*Resolved*, That the alteration of the eighth of the Articles of Confederation and perpetual Union, proposed by the United States in Congress assembled, on the 18th of April, 1783, ought to be acceded to by this State.

¹ This report, in the writing of Jonathan Blanchard, is in the *Papers of the Continental Congress*, No. 32, folio 575. The indorsement states that it was delivered on this day.

Also, was read a petition of Reuben Murray. It is in No. 42, V, folio 297. The indorsement states that it was ordered to lie for the consideration of the next Congress, and "August 2, 1785, to be filed."

² A copy of this act is in the *Papers of the Continental Congress*, No. 75, folio 395.

³ A copy of this act is in the *Papers of the Continental Congress*, No. 75, folio 401.

“Whereas considerable time may elapse before the common debts of the Confederacy can be apportioned by the rule proposed to be substituted in place of the eighth Article of the Confederation, in case such rule shall be established, or by the rule prescribed in the said article, in case the change shall be disagreed to, and before the accounts subsisting between the United States and the individual states can be finally liquidated.

“*Resolved*, That for the intermediate preservation of justice, and the national character, all requisitions which may, from time to time, be made by the United States in Congress assembled, for the purpose of discharging the national debts, incurred during the war, or defraying the ordinary civil expences of the federal government, including a provision for the support of the present marine and military establishments, directed by Congress, and which may be apportioned on the states, either by the rule which has heretofore prevailed, or by such other temporary rule as may be judged most equitable, ought to be complied with.

“*Resolved*, That the delegates representing this State in Congress, ought to be instructed to urge in Congress all measures necessary for accelerating a fair and final settlement of the accounts subsisting between the United States and individual states; and that whenever such settlement shall have been compleated, a payment of the balance appearing therefrom to be due ought to be enforced, if necessary, by such distress on the property of the defaulting states, or of their citizens, as by the United States in Congress assembled, may be deemed adequate and most eligible.

“*Resolved*, That in case such final settlement be obstructed by a failure of the proposition for changing the eighth Article of Confederation, and the refusal or unreasonable delay in the states to furnish the materials requisite for carrying the said Article into effect, the United States, in Congress

assembled, will be justified in proceeding to estimate the relative ability of the several states, according to the best lights of which they can avail themselves, to apportion the public debts by the standard which may thence result, to close the accounts between the United States and individual states, and to enforce in manner aforesaid, the payment of all arrears which may be found due.

‘Teste,

JOHN BECKLEY, *C. H. D.*

June 8, 1784, agreed to by the Senate,

WILLIAM DREW, *C. S.*”¹

SATURDAY, JULY 17, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Jeremiah Townley] Chase, to adjourn, on which the yeas and nays being required by Mr. [Francis] Dana,

| | | | |
|-----------------------|----|------------------------|-------|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | no | Mr. Hardy, | ay |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | no | Mr. Spaight, | ay |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | ay | Mr. Read, | ay |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | no | Mr. Houstoun, | no ay |
| <i>Maryland,</i> | | | |
| Mr. Chase, | ay | | |

So it passed in the affirmative, and the Committee was adjourned to Monday, ten o'clock.²

¹ A copy of these resolutions is in the *Papers of the Continental Congress*, No. 75, folio 397.

On this day, as the indorsement states, was read a letter of July 11 from John Pierce, Paymaster General. It was referred to Mr. [Edward] Hand, Mr. [Jeremiah Townley] Chase and Mr. [Jacob] Read. It is in the *Papers of the Continental Congress*, No. 62, folio 45.

² From this point the Journal was resumed by Benjamin Bankson.

MONDAY, JULY 19, 1784.

Only eight states attending, viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; the Committee of the States is adjourned till ten o'clock to-morrow.

TUESDAY, JULY 20, 1784.

Only eight states attending, viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, North Carolina, South Carolina and Georgia; the Committee of the States is adjourned till ten o'clock to-morrow.

WEDNESDAY, JULY 21, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

On motion of Mr. [Samuel] Hardy, seconded by Mr. [Jacob] Read,

Moved by M^r [Samuel] Hardy in the name of the State of Virg^a

Whereas it has been represented that many frauds have been committed in setting the acc^{ts} for depreciation of the soldiers credited to the State of Virginia; in order to detect the fact and prevent future impositions.

Resolved, That the Secretary in the War Office be, and he hereby is directed to transmit, without delay, to the Governor of Virginia, authenticated copies of the muster rolls from the 1st of January, 1777, to December, 1781, of the line of said State on Continental establishment; the two state regiments, whilst in Continental service; first regiment of artillery, and the first and third regiments of light dragoons, and the returns of such parts of Lee's and Armand's legions, Hazen's

regiment, and other Continental corps as have been credited to the State of Virginia.¹

~~On the question to agree to the above: Resolved in the affirmative.~~

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [John] Beatty and Mr. [Hugh] Williamson, to whom was referred a letter from Joseph Carleton, Secretary in the War Office, dated 23d May, 1784, with general returns of ordnance, military, quartermasters' and hospital stores,

The Committee to whom were referred a letter from Joseph Carleton Sect^r in the War Office dated May 23rd 1784, with general returns of ordnance, military quarter masters and Hospital Stores, ~~Report that they be referred to the Committee of the States with an instruction to direct the office having the direction of the War Department.~~

Resolved, That the Secretary in the war office take order for the disposing of at public auction for public securities for liquidated debts all the medicinal stores at Albany, and all those at Philadelphia, except the Chyrurgical Instruments and so much of the furniture and medicines as will compleate three Regimental medicine chests to be put up by M^r Andrew Craigie, apothecary and that a like direction be given for the sale of so much of the military and Quarter Masters Stores as they judge perishable or liable to embezzlement.²

Resolved, That the Secretary in the War Office take order for the disposing of, at public auction, for public securities for liquidated debts, all the medicinal stores at Albany; and all those at Philadelphia, except the chirurgical instruments, and so much of the furniture and medicines as will compleate three regimental medicine chests, to be put up by Mr. Andrew Craigie, apothecary.

¹ This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 32, folio 43.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 5.

Ordered, That the remainder of the report be committed.

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Edward] Hand and Mr. [Roger] Sherman, to whom was referred a letter from the Superintendent of Finance, enclosing a letter from Moses Hazen, esq. late brigadier general, containing some complaints and remarks on the conduct of the paymaster general, as commissioner for settling accounts, together with a letter from John Pierce, esq. paymaster general, explaining the particulars of his conduct in the cases mentioned.

Resolved, That the Committee of the States fully approve of the attention and fidelity of John Pierce, esq. commissioner for settling accounts with the line of the army, in refusing to admit any charges against the United States, which are not founded on particular resolves of Congress, and supported by vouchers or by other good and satisfactory evidence.¹

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Arthur] Lee and Mr. [Elbridge] Gerry, to whom was referred a letter of the 15th February, from the Superintendent of Finance, enclosing a letter from the Hon^{ble}. B. Huntington, respecting ~~cloathing and other~~ military stores which have been neglected, and are perishing in some part of Connecticut, in consequence of the death of the officer to whose care they had been committed:

Resolved, That the Secretary in the War Office be, and he hereby is directed to cause an account to be laid before Congress or the Committee of the States, as soon as may be, of the cloathing and military stores that are in Hartford, and other parts of Connecticut, referred to in a letter from B. Huntington, esq. of the 4th of February last, to the Superintendent of Finance.

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 77.

That it be and hereby is recommended to the Executives of the several states to cause enquiry to be made in their respective States concerning any stores belonging to the U. S. which may have been deposited in the houses or ware houses of private citizens or other persons who are not at present in office and accountable for such stores And the said Executives, are requested to forward whatever information they may receive concerning such stores to the U. S. in Congress, so that proper steps may be taken for preserving them.¹

Ordered, That the remainder of the report be committed.

[M^r. Elbridge Gerry's Motion respecting a substitute for Mediterranean passes.]

That the Committee consider whether any and what measures can be adopted as a substitute for Mediterranean passes previous to a treaty with the Emperor of Morocco and other powers on the Coast of Barbary.²

THURSDAY, JULY 22, 1784.

The Committee of the States assembled: Present as yesterday.

The committee, consisting of Mr. [Francis] Dana, Mr. [Jacob] Read and Mr. [Edward] Hand, to whom was referred the letter of Governor Martin, to Mr. Beresford, as chairman of the committee on Indian affairs, dated Hillsborough, June 4th, 1784, reported the draft of a letter to said Governor, which was agreed to.³

The Committee to whom was referred the letter of Governor Martin to M^r. [Richard] Beresford as Chairman of the Committee

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 91.

² This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 32, folio 135. The indorsement states that it was referred on this day to Mr. [Francis] Dana, Mr. [Jeremiah Townley] Chase and Mr. [Jacob] Read.

On this or an approximate date was read a letter of July 11 from John Pierce, Paymaster General. It is in No. 62, folio 313.

³ Governor Martin's letter is in the *Papers of the Continental Congress*, No. 72, folio 167.

of Indian affairs, dated Hillsborough June 4, 1784, beg leave to report the following draft of a letter to Gov^r Martin to be signed by the Chairman of the Committee of the States:

ANNAPOLIS, *July 22, 1784.*

SIR,

Your letter dated Hillsborough July 4, 1784, to M^r Beresford as Chairman of the Committee of Indian affairs, has been laid before the Committee of the States, from whom I have it in charge to inform you that Congress have not yet settled any Commission for Indian affairs in the Southern Department, and that the Committee of the States are not competent to accept of the goods mentioned in your letter, or to give any instructions relative to Treaties with the Indians in that Department. The whole of this business must therefore wait the decision of Congress at their next meeting. ~~In the name and in the behalf of the Committee of the States.~~

I have the honor to be &c.¹

On the report of a committee, consisting of Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Thomas] Stone, to whom was referred the letter signed T. Gilfillan, dated London, the 19th February, 1784, with the inspection roll of Negroes taken on board certain vessels at anchor near Staten Island, on the 30th day of November, 1783, signed T. Gilfillan and William Armstrong:

Resolved, That a copy of the said letter and roll be transmitted to the ministers plenipotentiary of the United States, for negotiating treaties with foreign powers, to be made use of in any negotiations they may have with the Court of Great Britain, agreeable to the instructions heretofore transmitted to them.²

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Thomas] Stone and Mr. [Roger] Sher-

¹ This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 7.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 81.

man, to whom was referred a letter of the Minister of France, dated the 6th May last, to the President of Congress:

Whereas it hath been represented to Congress by the Minister of France, that his Most Christian Majesty not having appointed a consul to reside in Charleston, it is his will that the Sieur de la Foret, vice-consul at Savannah, should, until such appointment is made, discharge that office in Charleston: and that he the said Minister has accordingly, together with the Sieur de Marbois, consul-general of France, appointed the said Sieur de la Foret, to be vice-consul at Charleston, and requesting that he may be recognized as such.

Resolved, That it be recommended to the supreme executive of the State of South Carolina, to receive the Sieur de la Foret as vice-consul in the port of Charleston, and to grant him their exequatur accordingly.¹

On the report of the same committee, to whom was referred a letter of the 6 May last, from the Superintendent of Finance, enclosing letters from the quartermaster general and from the commissary of military stores, respecting a quantity of powder that is in the public magazines at West Point,

Resolved, That the Superintendent of Finance give directions for selling such damaged powder as may be in the public magazines at West Point: and that the commissary of military stores, as soon as such sales shall be made, report to Congress or the Committee of the States, the quantity and condition of the powder remaining at that post.²

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 79.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 83. The Minister's letter is in No. 95, II, folio 316.

FRIDAY, JULY 23, 1784.

The Committee of the States assembled: Present as yesterday.

~~On motion of Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs,] Spaight.~~

The committee consisting of [Mr. Edward Hand, Mr. Jacob Read and Mr. Richard Dobbs Spaight] to whom was referred a letter of the 21 October, 1783, signed Aycard, sculptor at Marseilles, setting forth that he had on the 10 April, 1778, shipped on board the frigate *Adelaide*, commanded by Captain Stubag, a statue of his Most Christian Majesty as a present to Congress; that he has not since that time heard either of the vessel or of the statue, and requesting to be informed if it has arrived, beg leave to report,

That they have made diligent enquiry, and find that Congress have never received any advice of the arrival of the said statue or any other notice of its having been shipped for America than that contained in Mr. Aycard's letter of 21 October, 1783, and do recommend that a letter be written to Mr. Aycard by the Secretary, informing him that his letter of the 21 October, 1783, contains the only advice Congress have ever had of the statue therein mentioned.¹

The committee of the states is adjourned till to-morrow 10 o'clock.

SATURDAY, JULY 24, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

The Committee of the States is adjourned to Monday 10 o'Clock A. M.

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 85. Aycard's letter is in No. 78, I, folio 437.

On this day, according to the indorsement, was read a letter of July 20 from Arthur Lee and Richard Butler and ordered to lie. It is in No. 56, folios 117-119.

Also, a letter of July 16 from John Pierce, Paymaster General, which was referred to Mr. [Edward] Hand, Mr. [Jeremiah Townley] Chase and Mr. [Jacob] Read. It is in No. 62, folio 29.

July, 1784

599

MONDAY, JULY 26, 1784.

The Committee of the States assembled: Present New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia;

[Motion of M^r. Jacob Read seconded by M^r. Richard Dobbs Spaight.]

PHILADELPHIA, July 23, 1784.

SIR,

Gen^l. Butler and M^r. Lee, two of the Commissioners for negotiating with the Indians inform me that neither of them have got the original commission which was last issued, nor do they know to whom it was sent.

And as during the negotiations it is probable that the Commissioners may be separated, they think it proper and best that each commissioner be furnished with an authentic copy. I beg leave therefore to propose that the hon^{ble}. committee of the States pass the following order.

On motion *Ordered*, That an exemplification of the commission granted by the United States in Congress assembled, to the commissioners for negotiating with the Indians, and of the resolution empowering any two of them being a majority of those present to do the business of the commission, be made out and delivered to each of the said Commissioners under the seal of the United States.

This will supply the want of the original Commission and answer the wishes of the commissioners, without waiting for the signature of the President who is gone to Black Point and whose return is uncertain.

With great Respect

I have the honor to be Sir

Your most^{obed} and most humble Serv^t.

CHA^s. THOMSON

HON^{ble}. S. HARDY.¹

¹ This letter, in the writing of Charles Thompson, is in the *Papers of the Continental Congress*, No. 32, folio 45.

On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Richard Dobbs] Spaight and Mr. [William] Houstoun, to whom was referred part of a report of Mr. [Hugh] Williamson, Mr. [Arthur] Lee and Mr. [Elbridge] Gerry, on letters from the Superintendant of Finance and the Hon^{ble} B. Huntington:

Whereas there is reason to apprehend there are in different parts of the United States, articles of quartermasters', and military stores, cloathing, &c. the property of the United States, which have accidently fallen into the hands of private citizens, or remained in the possession of persons formerly, but not at present in office, of which the heads of the several staff departments have no account;

Resolved, That it be, and hereby is recommended to the executives of the several states, to call on the citizens of their respective states, to make returns forthwith of every species of public property which may be in their possession. And the said executives are requested to forward to Congress, or the committee of the states, a general return of such articles, the property of the United States, as they find to be in the possession of their citizens, or any of them, in which shall be specified the names and places of residence of the persons in whose possession they are.¹

I have it in charge from the Committee of the States, appointed by Congress to sit during their recess, agreeably to the Confederation, to transmit to you a copy of a letter from Robert Totten to Oliver Pollock agent for the U. S. at the Havanna dated 27th Feby. 1784, and of a letter from said Pollock to the Superintendant of Finance ~~from the same place~~ dated 16th March following, submitted to Congress by him on the 13th April last, ~~as appears by his note of that date a copy of which is inclosed~~

These letters represent that an order of a very extraordinary nature (and which the Committee of the States cannot reconcile

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 89.

with that decency and respect which one sovereign power owes to another with which it is in amity) has been issued by the Governor at the Havanna and that in consequence thereof, the above named Rob^t Totten as a citizen of these U. S. without having been charged with any ~~previous~~ crime, has been abruptly arrested by an armed force, thrust into a prison among malefactors and otherwise ill treated.

The Committee of the States cannot allow themselves to believe that such measures have been authorised by the Court of Spain, of whose friendly disposition ~~a striking proof has lately been given of which~~ towards the U. States so many proofs have been given.

You will therefore make a proper representation to his Catholic Majesty's Ministers of the outrage complained of and express to them ~~his said Majesty~~ that the Committee of the States do not entertain a doubt but that a satisfactory explanation will be had and ample satisfaction given to the parties if it shall appear that they have been injured, and that orders will be issued to prevent in future any violences or injuries to such of the citizens of these U. S. as may happen ~~to be thrown by stress of weather or otherwise into~~ to be within any port of his Cath: Majesty's Dominions, it being the earnest and sincere wish of the U. S. to preserve inviolate that harmony which at present subsists between the two nations.¹

On the report of a committee on letter from R. Totten and O. Pollock, the following letter to be written to W. Carmichael:

ANNAPOLIS, *July 26, 1784.*

SIR,

I have it in charge from the Committee of the States appointed by Congress to sit during their recess agreeably to the Confederation to transmit to you a copy of a letter from Robert Totten to Oliver Pollock, agent for the United States at the Havannah, dated 27 Feby. 1784, and a letter from said O. Pollock to the Superintendant of finance dated March 16 following, submitted to Congress by him on the 13 April last.

¹ This draft, in the writing of William Houstoun [?], is in the *Papers of the Continental Congress*, No. 32, folio 97. According to the indorsement it was read this day. See *Post July 28.*

These letters represent that an order of a very extraordinary nature (and which the committee of the S[tates] cannot reconcile with that decency and respect which one sovereign power owes to another with which it is in amity) has been issued by the Governor of the Havanna, and that in consequence thereof the above named Robert Totten, as a citizen of these U. S., without having been charged with any crime, has been abruptly arrested by an armed force, thrust into a prison among malefactors and otherwise ill-treated.

The committee of the S. cannot allow themselves to believe that such measures have been authorised by the Court of Spain, of whose friendly disposition towards the U. S. so many proofs have been given. You will, therefore, make a proper representation to his Catholic Majesty's ministers of the outrage complained of, and express to them that the committee of the S. do not entertain a doubt but that satisfactory explanations will be had and ample satisfaction given to the parties, if it shall appear that they have been injured, and that orders will be issued to prevent in future any violence or injuries to such of the citizens of these U. S. as may happen to be within any part of his Catholic Majesty's dominions—it being the earnest and sincere wish of the U. S. to preserve inviolate that harmony which at present subsists between the two nations.

I have the honor to be, with every sentiment of respect,
Sir, your most ob. hum. Serv.

S. HARDY, *Chairman of the Committee of the States.*

The honble W. CARMICHAEL, Esq.¹

On motion of Mr. [Jacob] Read, seconded by Mr. [Edward] Hand,

¹The above letter and order are found only in Thomson's copy of the proceedings. The letter, however, was not agreed to until July 23. Its insertion here was an inadvertence by Thomson.

Ordered, That the Superintendant of the finances of the U. S. do inform Mr. O. Pollock, agent for the U. S. at the port of Havanna in the island of Cuba, that the Committee of the S. have seen and deliberated on his letter of the 16 March, 1784, to the Superintendant of finance, and have taken such steps as have been judged necessary on the subject contained in the said letter and paper accompanying the same.

Referred to the Superintendant of finance.

TUESDAY, JULY 27, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

A motion was made by Mr. [Edward] Hand, in the right of the State of Pensylvania, in the words following:

“Whereas the United States in Congress assembled, did, on the 23d day of January last, cause the following notice to be given to the claimants of the private right of soil, within the territory westward of the river Delaware, formerly in controversy between the state of Connecticut and that of Pensylvania, viz.

“To the claimants of the private right of soil within the territory westward of the Delaware, heretofore in controversy between the states of Connecticut and Pensylvania, and adjudged by the sentence of a court constituted and appointed, agreeably to the ninth of the Articles of Confederation and perpetual Union, to be within the jurisdiction of the state of Pensylvania, it is hereby made known,

That sundry individuals claiming private right of soil under the state of Connecticut, within the said territory, have made application to Congress, stating, that they have been disturbed in their said right of soil, by others claiming under the state of Pensylvania; and praying for the institution of a court, for determining the said private right of

soil, in pursuance of the ninth Article of Confederation: and that the 4th Monday in June next, is assigned for the appearance of the parties, by their lawful agents, before Congress or a Committee of the States, wheresoever they shall be then sitting, to proceed in the premises as by the Confederation is directed. By order of Congress,

CHARLES THOMSON, *Secretary.*”

And whereas an agent for one of the parties only attended on the said 4th Monday in June, agreeably to the said notice, viz. William Bradford, jun. as agent on the part of the claimants under grants from the state of Pennsylvania. Therefore in justice to the said claimants, and to the end it may be known that the institution of the said court, has not been prevented by neglect or non attendance on their part,

Resolved, That the letter from William Bradford, jun. to the chairman of the Committee of the States, dated at Annapolis, the 28th June, 1784, informing, that being appointed an agent and counsellor in the controversy concerning the private right of soil, to lands within the state of Pennsylvania, and in support of the grants held under that commonwealth, he was then ready to appear, agreeably to the requisition of the United States in Congress assembled, expressed in their act of the 23d day of January last, be entered on the Journals of the Committee of the States:”¹

Which being under consideration,

A motion was made by Mr. [Francis] Dana, seconded by Mr. [Jonathan] Blanchard, to amend the motion by inserting between the words, “Pennsylvania Therefore,” the following, “at which time there was not a quorum of the Committee of the States, nor before the 5th day of July instant,

¹ This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 47.

since when no agent has appeared before the Committee from the State of Pennsylvania, nor at any time on the part of the claimants under the state of Connecticut.”²

And on the question to agree to the amendment, the yeas and nays being required by Mr. [Francis] Dana,

| | | | |
|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | ay | Mr. Hardy, | no |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | ay | Mr. Spaight, | no |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | no | Mr. Read, | no |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | no | Mr. Houstoun, | no |
| <i>Maryland,</i> | | | |
| Mr. Chase, | ay | | |

So the question was lost.

On the question to agree to the motion, the yeas and nays were required by Mr. [Francis] Dana,

| | | | |
|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | no | Mr. Hardy, | ay |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | no | Mr. Spaight, | ay |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | no | Mr. Read, | ay |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | ay | Mr. Houstoun, | ay |
| <i>Maryland,</i> | | | |
| Mr. Chase, | no | | |

So the question was lost.

The committee, consisting of Mr. [Francis] Dana, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read, to whom was referred the report of a committee of Congress, upon their order of the 17th June, 1783, “That a committee be appointed

¹ This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 51.

to consider what further measures may be necessary to compel persons who have received public monies to account," report, that upon inspecting the Journals of Congress they find, that Congress did, on the 27th February, 1782, resolve, "that it be recommended to the several legislatures of these United States, to make provision by law for the speedy and effectual recovery from individuals, of debts due and effects belonging to the United States." That on searching the files in the Office of the Secretary of Congress, your committee do not find that any of the legislatures of the respective states, have made the provision recommended to them to be made by the said resolution of Congress. And as it is the opinion of your committee, that the interest of the United States, hath already suffered greatly for want of such provision, and doth require that it should be made by the several legislatures, without loss of time; therefore,

Resolved, That it be most earnestly recommended to such of the legislatures of these United States, as may not have yet complied with the said recommendation of Congress, to enact laws in compliance therewith, as soon as may be, and for empowering such person or persons as already are, or hereafter shall be appointed by the United States in Congress assembled, for that purpose, in their name and in their behalf, to commence, and to prosecute to final decree, judgment and execution, any action or actions, bill, suit or plaint, either in law or equity, which may be proper and necessary, not only for the recovery from individuals of debts due, and effects belonging to the United States, but to recover, secure or maintain any rights, properties or interests to the said United States appertaining, or for any injury or damages whatsoever which they have sustained, or may sustain, therein. [And that it be further recommended to the legislatures of the several states, to frame any act or acts which they may pass in pursuance of the foregoing

recommendation, in such manner as may produce a speedy and effectual decision of all such bills, actions, suits or complaints as may be commenced, sued or prosecuted for the purposes aforesaid.]¹

WEDNESDAY, JULY 28, 1784.

The committee of the states assembled: Present, nine states as yesterday.

The committee, consisting of Mr. [Francis] Dana, Mr. [Edward] Hand and Mr. [William] Houstoun, to whom was referred a report of a committee of Congress, on a letter from R. Totten to Oliver Pollock, agent for the United States at the Havannah, dated 27th February, 1784, and a letter from said Pollock, to the Superintendant of Finance, dated 16th March following, submitted to Congress by him on the 13th April last, reported the draught of a letter to the charge des affaires of the United States, at the court of Madrid: and that copies of the said letters be transmitted therewith; which was agreed to.

[Motion of M^r: Jacob Read Seconded by M^r: Edward Hand referred to the Super^t: of Finance to take order, Respecting a letter from Oliver Pollock of 16 March 1784.]

On motion of M^r: [Jacob] Read seconded by M^r: [Edward] Hand ordered that the Superintend^t: of the Finances of the U. S. do inform M^r: Oliver Pollock agent for the United States at the port of Havanna on the Island of Cuba That the Committee of the States have seen and deliberated on his letter of the 16th day of March 1784 to the Superintend^t: of Finance and have taken such steps as have been Judged necessary on the subject contained in the said letter and papers accompanying the same.²

¹ This report, in the writing of Francis Dana, except the part in brackets, which is in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 93.

² This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 53. According to the indorsement it was made on this day.

On this day, according to the indorsement, was read a memorial, dated June 9, of Patrick Ewing. It is in No. 41, III, folio 129.

THURSDAY, JULY 29, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

The committee, consisting of Mr. [Francis] Dana, Mr. [Jeremiah Townley] Chase and Mr. [Jacob] Read, to whom was referred a motion of Mr. [Elbridge] Gerry, respecting a substitute for Mediterranean passes, reported the draft of an ordinance, which was read a first time.

An ordinance substituting an Instrument in lieu of the Mediterranean pass untill Treaties shall be entered into by the United States of America with the Emperor of Morocco and the other Princes and Powers on the Coasts of Barbary and establishing certain regulations relative thereto.

Be it ordained by the United States of America in the Committee of the States assembled, That untill Treaties shall be entered into by the United States of America, with the Emperor of Morocco, and the other Princes and Powers on the Coast of Barbary, and regulations shall be agreed upon touching Mediterranean Passes, for vessels owned by Citizens of these United States, Instruments to be signed by the President of Congress, sealed with our great seal and attested by the Secretary of Congress, shall be made out in the following form viz:

By the United States of America in Congress assembled.

Be it known to the most high, illustrious, and puissant Emperor of Morocco and to the great, high and honorable Regents and Princes of Algeirs, Tunis, and Tripoli, and to their officers, Ministers and Subjects, and to all persons who may see these Presents.

That the called the burthen about Tons navigated by Men and commanded by is the property of Citizens of the United States of America and of none other. And that the said Commander of the said Vessel and the Officers and Mariners thereto belonging are also Citizens of the United States of America and have permission from us to carry on trade and Commerce, to all Kingdoms, States, and Countries whatever, the said Commander and his Officers and Crew conforming and paying due obedience to the Laws, Regulations and Customs of the Kingdom, State or Country, into which they may come.

~~We do therefore request the said Emperor, Regents and Princes, their respective Ministers, Officers and Subjects, that the said~~
~~with his Vessel may be permitted freely to pass, and to~~
~~enter their ports and harbours; that full protection be there given~~
~~to the said Commander his Officers and Crew, and to the Vessel and~~
~~property under his care; and that he be admitted to carry on Trade~~
~~and Commerce upon the terms usual with Nations and People in~~
~~Amity with each other, and desirous of promoting reciprocal Com-~~
~~mence and advantages. And we do further request the said Em-~~
~~peror, Regents or Princes that the said Commander, her Officers and~~
~~Crew be permitted to navigate the said Vessel freely on the High~~
~~Seas, and to pass whithersoever the said Commander shall think~~
~~fit in prosecution of his voyage and lawful Business, without any~~
~~arrest or seizure of their Persons, the said Vessel or property on~~
~~board her, or any molestation whatever, on the part of any of the~~
~~Officers or Subjects of the said Emperor, Regents or Princes.~~

~~Witness~~

~~President.~~

[We do therefore request the said Emperor Regents and Princes, and pray them to instruct their Ministers, Officers and others whom it may concern, that the said with his said vessel, manned as aforementioned, may be permitted without arrest, seizure or any other molestation, interruption or delay, freely to navigate both within and without the Straits of Gibraltar on the Atlantic Ocean and Mediterranean or other seas wheresoever the said Commander shall think fit in prosecution of his voyage and lawful business; And also to enter their respective ports and harbours and to carry on trade and commerce upon terms usual with Nations and People at amity with each other and desirous to promote reciprocal advantages, offering on our part the like good usage to the subjects of the said Emperor, Regents and Princes when and as often as occasion may offer.

Given under the hand of our President and the Great Seal of the United States of America the day of in the year of our Lord one thousand seven hundred and eighty and in the year of our Sovereignty and Independence.]

Be it further ordained that a sufficient number of such Instruments shall be printed with the foregoing blanks therein, and be signed, sealed and attested as aforesaid, and sent to the Governor,

President or other Supreme Executive Magistrate for the time being, of each of the United States, who, upon application therefor being made to him by any Citizen of these United States being Owner in part, or in whole, of any vessel bound to Sea, or by the Master thereof, may fill up or cause to be filled up the remaining blanks, as the nature of the case shall require and deliver the same Instrument to the person applying for it. Provided always that the same Instrument shall not be delivered to any person applying for the same until it shall have been made to appear by a Register of the same vessel duly sworn to and authenticated that she is the property of one or more Citizens of these United States and that no foreigner hath directly or indirectly any share or interest in the same vessel; nor until the same person shall have entered into a bond with a sufficient surety or sureties in the Penal sum of dollars payable to the Governor, President or other Supreme Executive Magistrate delivering the Instrument and to his Successors with condition thereunder written to return the same Instrument to the Supreme Executive Magistrate of that State for the time being, within months from the date of such Bond, saving always the loss or destruction thereof by the capture or perishing at Sea of the same Vessel or by other unavoidable accident.

And be it further ordained that whenever the said Instrument shall be granted by the Gov^r Presd^t or other Supreme Executive Magistrate of any state in pursuance of this ordinance that he be and he hereby is requested to make the following Certificate thereupon, under the Seal of the State and that he cause the same to be attested by the Secretary thereof.

STATE OF

In pursuance of an Ordinance of the United States of America in a Committee of the States assembled on the day of A. D. 1784, I do hereby certify that upon application to me made for that purpose by Owner (or one of the Owners or Master as the case may be) of the vessel within named, and a Citizen of the said United States, I have granted and delivered unto him the within Passport or Instrument, he having first ~~made it to appear to me by the Register of the same Vessel duly sworn to and authenticated, that she is the property of himself (or of) Citizen of the said United States, and that no Foreigner hath directly or indirectly any share or interest therein; and having also entered~~

July, 1784

611

~~into a Bond with sufficient surety agreeably to said Ordinance~~ duly complied with the conditions by the said Ordinance required.

Given under my Hand and the Seal of the said State this
Day of A. D. 178— and in the Year of the Inde-
pendence of the United States of America.

Attest:

Secy.

Done by the United States of America in the Committee of the States assembled, at Annapolis this day of in the Year of our Lord one thousand seven hundred and eighty and in the Year of our Independence.¹

Ordered, that it be read a second time. And the first paragraph being under debate,

A motion was made by Mr. Dana, seconded by Mr. Blanchard, that the further consideration of the ordinance be postponed; which was agreed to.

A motion was then made by Mr. Dana, seconded by Mr. Blanchard, in the words following, viz.

“Whereas Congress do stand adjourned to the 30th day of October next, then to meet at Trenton, in the state of New Jersey; and as it is proper that the public records and papers, now remaining in their office in this city, should be removed from hence to Trenton, and that offices should be prepared for their reception, and the whole be arranged before the meeting of Congress, which will require considerable time to effect: And as it is also expedient for the Committee of the States to be prepared to meet Congress in that place, and as there is not at present any business before the Committee of the States which require their immediate attention, ~~and taking into consideration the approaching unhealthy season which may not be seasonably finished, it is probable a more convenient opportunity may not present itself, for their~~

¹ This report, in the writing of Francis Dana, except the part in brackets, which is in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folios 111-122.

adjourning without injury to the public, and for carrying into effect the removal of the public records and papers, and arranging the same against the next meeting of Congress, which is indispensably necessary to be done; therefore,

Resolved, That on the ~~second~~ 4th day of August next, the Committee of the States shall stand adjourned to meet at Trenton, in the state of New Jersey, on the ~~first~~ second Monday in September next; and that the chairman be, and he hereby is authorised and directed to adjourn the Committee of the States, on the said ~~second~~ 4th day of August next, to meet at Trenton, on the said ~~first~~ second Monday of September next, for the dispatch of business.

Resolved, That the Secretary of Congress, take order for the removal and arrangement of the public records and papers as above mentioned, as soon after the adjournment of the Committee of the States from this city to Trenton, as may be; so that the whole may be in order by the day of their meeting there.¹

On the question to agree to this, the yeas and nays being required by Mr. Dana,

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|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | ay | Mr. Hardy, | no |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | ay | Mr. Spaight, | ay |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | ay | Mr. Read, | ay |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | no | Mr. Houstoun, | no |
| <i>Maryland,</i> | | | |
| Mr. Chase, | no | | |

So the question was lost.

¹ This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 57.

According to the indorsement a letter of July 28 from Charles Thomson was read. It is in the *Papers of the Continental Congress*, No. 49, folio 265.

FRIDAY, JULY 30, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

The chairman laid before the Committee of the States, an act of the Commonwealth of Massachusetts, entitled, "An act vesting certain powers in Congress."¹

The committee, consisting of Mr. [Edward] Hand, Mr. [Jacob] Read and Mr. [Richard Dobbs] Spaight, to whom was referred part of a report on a letter from Joseph Carleton, Secretary in the War Office, dated May 23, 1784, having considered the same and examined carefully the returns of stores therein alluded to, beg leave to report that in their opinion the stores enumerated in the annexed list should, after sufficient notice being given, be disposed of at public auction for public securities for liquidated debts, and that the ~~commissary general of military stores~~ Secretary in the War Office should be directed to take order for that purpose. In making out the list of articles submitted, your committee have not confined themselves to those they judged liable to embezzlement or altogether perishable, being of opinion that it would be for the advantage of the United States to dispose of immediately such stores as are not at this time wanted for the service of the public, and being in general demand will probably sell for their real value, and which may be easily replaced at any time. They have also included some articles which in their opinion would not bear the expence of transportation from the places where they now are to more convenient deposits.²

Referred to the Secretary in the War Office to take order.

Sundry articles contained in the returns of stores transmitted by Jos. Carleton with his letter of the 23d. May, 1784, reported for sale, viz.

At Philadelphia.

Empty flannel cartridges, waggon covers, nails, iron wire, whiting, cotton wool, twine, thread, saltpetre, sulphur, bar and scrap iron, steel, sheet iron, sheet and scruff copper, antimony, Spanish brown,

¹ A copy of the act is in the *Papers of the Continental Congress*, No. 74, folio 205, a duplicate being on folio 209.

² This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 101.

scrap steel, flannel, duck, horse and ox shoes, locks and keys, sundry articles of clothing, sheet tin, stovepipe joints, sweet oil, iron potts, camp kettles tin and iron, copper hoops, tents, barrel staves and heading, plank and boards, leather of different kinds, stirrup irons and leathers, spurs and spur leathers, bridle bits, reins and headstalls, leather hopples, neck slips, blind bridles, do. bitts, do. buckles, collars, hames, setts do. irons, back and belly bands, cruppers, leading lines, breech bands, pins, chains, rings and straps for do., trace chains whole and broken, breast and tongue chains, swivel trees, stretchers, tar pots, whip sticks, cart saddles and frames, hungarian and common saddles, surcingles, girths and girth web, saddle bags, valises leather and canvas, curry combs, curb chains, truck wheels wood and iron, horse bells, cutting boxes and knives, leather pocket books, candlesticks and snuffers, tow linnen, shoemakers' and sadlers' knives, maul rings, iron wedges, hoes, pitch forks, flesh forks, wooden trenchers, hay rakes, tin flasks, canteens tin and wood, canteen straps, chest medicine, scythes and handles, ink powder, rag stores, glue, scrap nail rod iron, wheel and hand barrows, cart bodies, saddle trees, screws with buns, andirons, fire shovels and tongs, bed sacks, sandbags, epaulettes, worsted binding, bread, beef, stove plates, tin watering pots, water buckets, half bushel measures, claret, pewter spoons, knives and forks, dishes, cups and saucers, sulkeys and harness, tables, brushes, damaged desk furniture, do. brass belt buckles, do. chairs, do. camp kettles.

At Carlisle.

Log carriage, powder, nails, iron wire, whiting, sulphur, bar iron, steel, sheet copper, antimony, copperas, allum, Spanish brown, copper kettles and pans, desk, sheet tin, stoves, sweet oil, shovels, fascine hatchets, fellies in the rough, barrel staves and heading, saws, drawing knives, grindstones, smiths' bellows and anvils, bick irons, smith's hammer and tongs, bench vices, stakes, augers, masons' trowels, planes, chizzels and gouges, stone and muller, turner's wheels, adzes, smith tools, tomahawks, leather, canteens, old brass and copper, iron hoops, shoemakers' lasts, chests old iron, tinmans' shears, fire buckets, benches, spatulas, arm chests.

At Lancaster.

Powder, flints, lead and lead shot, paper, waggon cover, copper kettles, stoves, writing desk.

At the head of Elk.

Powder.

At Albany.

Tumbrel cart, powder, paper, lanthorn, tin-tunnel, twine, thread, broad ax, saws, drawing knife, rasp, planes, plane irons, chizzels and gouges, iron square adz, blind bridles and horse harness of every kind, tarpots, cart saddles.

At Rhode Island.

Powder, saltpetre, sulphur, bar iron, arm chests.

At Springfield.

Waggon covers, nails, cotton wool, twine, sulphur, bar iron, steel, sheet iron, scruff copper, duck, sheet tin in boxes and barrels, plank, stirrup leathers, breast straps, blind bridles and horse harness of every kind, cart saddles and frames, girts, curry combs, wooden trenchers, empty tin canisters, brass boreings, charcoal, yards of Hessen, frame for shoeing oxen, old sleds, planes without irons, damaged powder, do. flannel cartridges.

At Boston.

Saltpetre, stoves, spades, picks, adzes, tin flasks, wheel and hand-barrows.¹

The Committee of the States is adjourned to Monday 10 o'clock A. M.

MONDAY, AUGUST 2, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

The committee, consisting of Mr. [Jacob] Read, Mr. [Jeremiah Townley] Chase and Mr. [Edward] Hand, to whom was referred a letter dated Passy, 12th May, 1784, from Mr. Franklin, minister plenipotentiary from the United States to the Court of Versailles, directed to the President

¹ This report, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folios 103-107.

On this day, as the indorsement states, was read a letter, dated Philadelphia, July 26, 1784, from Arthur Lee and Richard Butler, and referred to Mr. [Jacob] Read, Mr. [Jeremiah Townley] Chase and Mr. [Edward] Hand. It is in No. 56, folios 123-125.

of Congress, and enclosing a copy of the ratification of the Definitive Treaty of Peace on the part of his Britannic Majesty exchanged, with that on the part of the United States of America, the 12th May, 1784, at Passy, reported the draft of a letter to be signed by the chairman of the Committee of the States, and transmitted, together with a copy of the said ratification, to the supreme executive authority of each of the United States; which was agreed to.

ANNAPOLIS, August 1784.

SIR:

By order of the United States in the Committee of the States assembled, I have the honor to inform you, that an Exchange of Ratifications of the Definitive Treaty of peace Between the United States and his Britannic Majesty was made on the 12th day of May, 1784, at Passy in France By the respective Ministers of the said Powers.

A Copy of that on the part of his Britannic Majesty as transmitted to Congress, I enclose for your further information.

The Committee of the States offer your Excellency (or Honour as the case may be) and the Legislature of the State over which you preside their most hearty congratulations on the happy completion of this Important and very Interesting business.

And pray the Almighty disposer of all ~~human~~ events long to continue to ~~Your Excellency and the State over which you preside~~ these United States (or &c) the Blessings of peace and to have them constantly in his most holy keeping.

I am, with perfect respect & regard, Sir,

Your Excellency's most obedient and most humble serv^t

SAM^l HARDY,

Chairman of the Committee of the States.

His Excellency—

The Governor of .¹

Ordered, That the ratification of the definitive treaty of peace on the part of his Britannic majesty, exchanged for that on the part of the United States of America, on the

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 137.

12th May, 1784, at Passy, in France, be entered on the Journal; which is in the words following:

“George the Third, by the grace of God, king of Great-Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. to all to whom these presents shall come greeting. Whereas a definitive treaty of peace and friendship, between us and our good friends, the United States of America, viz. New-Hampshire, Massachusetts - Bay, Rhode - Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, was concluded and signed at Paris on the 3d day of September last, by the plenipotentiaries of us, and our said good friends, duly and respectively authorised for that purpose; which definitive treaty is in the form and words following:

“In the name of the most holy and undivided Trinity.

“It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the Third, by the grace of God, king of Great-Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end, already laid the foundation of peace and reconciliation,

by the provisional articles, signed at Paris on the 30th of November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great-Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great-Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof have constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, esq. member of the parliament of Great-Britain; and the said United States on their part, John Adams, esq. late a commissioner of the United States of America, at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the states general of the United Netherlands; Benjamin Franklin, esq. late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esq. late president of Congress, and chief justice of the state of New-York, and minister plenipotentiary from the said United States at the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty: who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

“Art. 1st. His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay,

Rhode - Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South Carolina and Georgia, to be free, sovereign and independent states: that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof.

“Art. 2d. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north-west angle of Nova-Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the north-western-most head of Connecticut river, thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguay; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles, Royal and Philippeaux, to the long lake; thence through the middle of said long lake and the water communication between it and the lake of the Woods, to the said lake of the Woods;

thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean, from those which fall into the river St. Lawrence: comprehending all islands within 20 leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic Ocean; excepting such islands as now are or heretofore have been within the limits of the said province of Nova-Scotia.

“Art. 3d. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand-Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks

of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labradore, so long as the same shall remain unsettled, but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

“Art. 4th. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all *bona fide* debts heretofore contracted.

“Art. 5th. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain 12 months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them; they refunding

to any persons who may be now in possession the *bona fide* price, (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage-settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

“Art. 6th. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced be discontinued.

“Art. 7th. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one, and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any Negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

“Art. 8th. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

“Art. 9th. In case it should so happen, that any place or territory belonging to Great Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

“Art. 10th. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

“Done at Paris, this 3d day of September, in the year of our Lord, 1783.

“(L. S.) D. HARTLEY.
(L. S.) JOHN ADAMS,
(L. S.) B. FRANKLIN,
(L. S.) JOHN JAY.”¹

“We having seen and considered the Definitive Treaty aforesaid, have approved, ratified, accepted and confirmed it in all and every one of its articles and clauses, as we do by these presents for ourself, our heirs and successors, approve, ratify, accept and confirm the same; engaging and

¹ The text of the above, but not the spelling or capitalization, agrees with the official printed proclamation, signed by the President of Congress and sealed with the Great Seal of the United States, January 14, 1784.

promising upon our royal word, that we will sincerely and faithfully perform and observe, all and singular the things which are contained in the aforesaid treaty, and that we will never suffer it to be violated by any one, or transgressed in any manner, as far as lies in our power. For the greater testimony and validity of all which, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand. Given at our court at St. James's, the ninth day of April, one thousand seven hundred and Eighty four, in the twenty fourth year of our Reign.

(Signed) GEORGE R."

Ordered, That the foregoing ratification be published in the Maryland Gazette.¹

Ordered, That the Secretary cause the Journals of the Committee of the States, to be printed forthwith.²

The report of the committee, consisting of Mr. [Edward] Hand, Mr. [Jacob] Read, and Mr. [Richard Dobbs] Spaight, to whom was referred part of a report of a committee, on a letter dated 23d May, 1784, from Joseph Carleton, secretary in the war office, recommending the disposal of sundry stores by public auction, was agreed to, and referred to said Secretary to take order.

Mr. [Jacob] Read having informed the Committee of the States of the request of Mr. H. Remsen, jr. Under Secretary in the Office for Foreign Affairs, that he have leave of absence for three weeks or a month, for the purpose of going to New York to settle some private affairs.

Ordered, That leave be granted.

¹ The motion, in the writing of Jacob Read, for the entry of the ratification in the journal and publication in the Maryland Gazette, is in the *Papers of the Continental Congress*, No. 32, folio 65.

² This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 63.

[Motion of M^r. Jacob Read seconded by M^r. Richard Dobbs Spaight.]

That a Committee be appointed to prepare a proclamation for a day of solemn prayer and thanksgiving to Almighty God, to be observed throughout the United States of America, on the exchange of the Instruments of Ratification of the Definitive Treaty between the United States of America and his Britannic Majesty and the happy completion of the great work of Independency and peace to these United States.¹

TUESDAY, AUGUST 3, 1784.

The Committee of the States assembled: Present, nine states as yesterday.

The committee, consisting of Mr. [Jacob] Read, Mr. [Jonathan] Blanchard, and Mr. [Jeremiah Townley] Chase, to whom was referred a letter from Mr. P. Muhlenberg, to his Excellency the President of Congress, dated Philadelphia, July 5, 1784, reported the draft of a letter to be signed by the chairman of the Committee of the States, and transmitted to the executive of the State of Virginia, together with a copy of said letter; which was agreed to.

SIR,

The inclosed copy of a letter which I transmit you by order of the United States in the Committee of the States assembled will shew pretty clearly the state of Indian affairs in the western frontier of the United States, and point the exertions of your Excellency and the Legislature to such measures as may be proper and necessary on the part of Virginia to avert the danger to the Community apprehended by General Muhlenberg *the writer*.

Congress previous to their adjournment appointed Commissioners, gave the necessary instructions and made other arrangements requisite on their part for forming a General Treaty of peace with the Indians as far Southward as the Cherokees.

¹ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 151¹. The indorsement states that it was referred on this day to Mr. [Jacob] Read, Mr. [Francis] Dana and Mr. [Edward] Hand.

But if ~~settlers~~ persons under grants from Virginia are permitted to enter upon and settle the Lands westward of the Ohio ~~and establish themselves~~ before the Treaty is compleate and a line of property ascertained between the Indian *villages and hunting grounds*, and the United States it seems impossible to avoid an immediate war with those people.

The paragraph of General Muhlenberg's letter respecting "the Gentlemen who received the Illinois Grant of 150,000 acres &c:" appears to point to the Land reserved by the State of Virginia out of the Territory ceded to the United States as a gratuity for Gen^l George Rogers Clarke his officers and men.

It never was the idea of Congress that such Grant should be located or possession of the land taken till the general arrangements necessary for concluding a peace and ~~establishing~~ fixing a Boundary between the United States and the Indian Nations should have been carried into effect and the public tranquility ~~insured~~ established.

Should an Indian War be brought on in consequence of the steps taken by the Grantees of the Land just mentioned The cession of Virginia now relied on as a principal ~~hope~~ fund for redeeming the public securities of the United States, would prove an expence and disadvantage to the Union rather than a source from which any pecuniary assistance could be drawn.

The Committee of the States therefore rely that ~~such~~ effectual steps will be immediately taken by the State of Virginia ~~as will~~ to prevent any settlements being made ~~beyond the Ohio~~ on lands, not clearly within the former line of property between the State of Virginia and the Indians. And to suppress any such as may have been made untill the measures now carrying into effect for obtaining a general treaty can have their full operation. Also that every possible means be used to prevent a rupture with the Indians bordering on the State of Virginia.

With perfect esteem and regard, I am Sir,

Your Excellency's most obed^t and most h^{ble} serv^t,

SAM^l HARDY.

His Excellency B. H.

The Gov^r of ~~the state of~~ Virginia.¹

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 141. Muhlenberg's letter is in No. 56, folio 113.

The committee, consisting of Mr. [Jacob] Read, Mr. [Francis] Dana, and Mr. [Edward] Hand, to whom was referred the motion of Mr. [Jacob] Read (seconded by Mr. [Richard Dobbs] Spaight)¹ of the 2d instant "That a committee be appointed to prepare a proclamation for a day of solemn prayer and thanksgiving to Almighty God, to be observed throughout the United States of America, on the exchange of the instruments of ratification of the Definitive Treaty of Peace, between the United States of America and his Britannic Majesty; and the happy completion of the great work of Independency and peace to these United States," reported the following form of a proclamation:

By the United States of America, in the Committee of the
States assembled,

A Proclamation.

Whereas it hath pleased the Supreme Ruler of the universe, of his infinite goodness and mercy, so to calm the minds and do away the resentments of the powers lately engaged in a most bloody and destructive war, and to dispose their hearts towards amity and friendship, that a general pacification hath taken place, and particularly a Definitive Treaty of peace between the said United States of America and his Britannic Majesty, was signed at Paris, on the 3d day of September, in the year of our Lord 1783; the instruments of the final ratifications of which were exchanged at Passy, on the 12th day of May, in the year of our Lord 1784, whereby a finishing hand was put to the great work of peace, and the freedom, sovereignty and independence of these states, fully and compleately established: And whereas in pursuit of the great work of freedom and inde-

¹ The words in parenthesis are in the report but not in the journal.

pendence, and the progress of the contest in which the United States of America have been engaged, and on the success of which the dearest and most essential rights of human nature depended, the benign interposition of Divine Providence hath, on many occasions, been most miraculously and abundantly manifested; and the citizens of the United States have the greatest reason to return their most hearty and sincere praises and thanksgiving to the God of their deliverance; whose name be praised: Deeply impressed therefore with the sense of the mercies manifested to these United States, and of the blessings which it hath pleased God, to shower down on us, of our future dependance, at all times, on his power and mercy as the only source from which so great benefits can be derived; we, the United States of America, in the Committee of the States assembled, do earnestly recommend to the supreme executives of the several states, to set apart *Tuesday, the 19th day of October* next, as a day of public prayer and thanksgiving, that all the people of the United States may then assemble in their respective churches and congregations, to celebrate with grateful hearts, and joyful and united voices, the mercies and praises of their all-bountiful Creator, most holy, and most righteous! for his innumerable favours and mercies vouchsafed unto them; more especially that he hath been graciously pleased so to conduct us through the perils and dangers of the war, as finally to establish the United States in freedom and independency, and to give them a name and place among the princes and nations of the earth; that he hath raised up great captains and men of war from amongst us, to lead our armies, and in our greatest difficulties and distresses hath given us unanimity to adhere to and assert our just rights and privileges; and that he hath been most graciously pleased also, to raise up a most powerful prince and magnanimous people, as allies, to assist us in effectually

supporting and maintaining them; that he hath been pleased to prosper the labour of our husbandmen; that there is no famine or want seen throughout our land: And above all, that he hath been pleased to continue to us the light of gospel truths, and secured to us, in the fullest manner, the rights of conscience in faith and worship.

And while our hearts overflow with gratitude, and our lips pronounce the praises of our great and merciful Creator, that we may also offer up our joint and fervent supplications, that it may please him of his infinite goodness and mercy, to pardon all our sins and offences; to inspire with wisdom and a true sense of public good, all our public councils; to strengthen and cement the bonds of love and affection between all our citizens; to impress them with an earnest regard for the public good and national faith and honour, and to teach them to improve the days of peace by every good work; to pray that he will, in a more especial manner, shower down his blessings on Louis the Most Christian King our ally, to prosper his house, that his son's sons may long sit on the throne of their ancestors, a blessing to the people entrusted to his charge; to bless all mankind, and inspire the princes and nations of the earth with the love of peace, that the sound of war may be heard of no more; that he may be pleased to smile upon us, and bless our husbandry, fishery, our commerce, and especially our schools and seminaries of learning; and to raise up from among our youth, men eminent for virtue, learning and piety, to his service in church and state; to cause virtue and true religion to flourish, to give to all nations amity, peace and concord, and to fill the world with his glory.

Done by the United States, in the Committee of the States assembled, witness the hon^{bl} Samuel Hardy, chairman, this — day of —, in the year of our Lord, &c. and in the

9th of the sovereignty and independence of the United States of America.¹

A motion was made by Mr. [Francis] Dana, seconded by Mr. [Jonathan] Blanchard, to postpone the consideration of the proclamation before the house: And on the question for postponing, the yeas and nays being required by Mr. [Jacob] Read,

| | | | |
|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | ay | Mr. Hardy, | no |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | ay | Mr. Spaight, | no |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | ay | Mr. Read, | no |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | no | Mr. Houstoun, | ay |
| <i>Maryland,</i> | | | |
| Mr. Chase, | ay | | |

So the question was lost.

It was then agreed that the consideration of the proclamation be postponed, to make way for a motion made by Mr. [Francis] Dana, seconded by Mr. [Jonathan] Blanchard, as follows:

Whereas Congress do stand adjourned to the 30th day of October next, then to meet at Trenton, in the State of New Jersey, and as it is proper that the public records and papers, now remaining in their office in this city, should be removed from hence to Trenton, and that offices should be prepared for their reception, and the whole be properly arranged before the meeting of Congress, which will require considerable time to effect; and as it is also expedient for the Committee of the States to be prepared to meet Congress in that place;

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folios 145-149.

~~And whereas there has not been more than Nine States Represented in the Committee of the States since their Meeting on the 26th day of June last, and from the nature of things it is not to be reasonably expected such a Public body should be Unanimous in their sentiments upon Affairs of General concernment to the Union, however sincerely disposed every Member may be to promote its best interest; without which Unanimity no Act can be passed, except that of Adjourning, from day to day: And it is to be expected, that in consequence of such Adjournment the States of Delaware, New York, Connecticut and Rhode Island, neither of which have been represented in the Committee of the States since their Meeting as above, may become represented therein. And as there is not at present any business before the Committee of the States, which requires their immediate attention, which may not be seasonably finished, it is probable a more convenient opportunity may not present itself for their Adjourning without injury to the Public, and for carrying into effect the removal of the Public Records and papers, and arranging the same, against the next Meeting of Congress, which is indispensably necessary to be done.~~

And as there is not at present any business before the Committee of the States, that require their immediate attention, which may not be seasonably finished:

And whereas there has not been more than nine states represented in the Committee of the States, since their meeting on the 26th day of June last; and as no act, except that of adjourning from day to day, can be passed but by their unanimous consent; and as the delegates now representing two of the states in the Committee of the States, have informed them, that they are under the necessity of returning to their respective states in the course of the next week, and have no expectation that their states will be shortly represented by any other delegates, which will prevent the Committee of the States proceeding to business for an uncertain time; and as a continuance of their session, without a representation of at least nine states, would be altogether useless, the Committee of the States are of opinion, that as a more convenient opportunity cannot present itself for their ad-

journing, without injury to the public, and for carrying into effect the removal of the public records and papers, and arranging the same against the next meeting of Congress, which is indispensably necessary to be done; it is their duty, under these circumstances, to adjourn from hence to Trenton:

Therefore, Resolved, That on this 3d day of August instant the Committee of the States shall stand adjourned to meet at Trenton, in the State of New Jersey, on the second Monday of September next; and that the chairman be, and he hereby is authorised and directed, to adjourn the Committee of the States, on the said 3d day of August instant to meet at Trenton, on the said second Monday of September next, for the dispatch of public business.

Resolved, That the Secretary of Congress, and the Under Secretary in the Office for Foreign Affairs, take order for the removal and arrangement of the public records and papers, in their respective offices as above mentioned, as soon after the day of the adjournment of the Committee of the States, from this city to Trenton, as may be, so that the whole may be in order by the day of their meeting there.¹

A motion was then made by Mr. [Edward] Hand, seconded by Mr. [Jacob] Read, to postpone the consideration of the motion made by Mr. [Francis] Dana, in order to introduce the following:

Resolved, That a committee of five be appointed to prepare an ordinance for making the necessary arrangements of the treasury, and for more particularly defining the powers of the board of treasury; to revise the institution of the office of foreign affairs, and of the war office; and to report such alterations as they may judge necessary.²

¹ This motion, in the writing of Jonathan Blanchard and Francis Dana, is in the *Papers of the Continental Congress*, No. 32, folio 67.

² This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, No. 32, folio 71.

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [Francis] Dana,

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|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | no | Mr. Hardy, | ay |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | no | Mr. Spaight, | ay |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | no | Mr. Read, | ay |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | ay | Mr. Houstoun, | ay |
| <i>Maryland,</i> | | | |
| Mr. Chase, | ay | | |

So the question was lost.

On the question to agree to the motion of Mr. [Francis] Dana, the yeas and nays being required by him,

| | | | |
|-----------------------|----|------------------------|----|
| <i>New Hampshire,</i> | | <i>Virginia,</i> | |
| Mr. Blanchard, | ay | Mr. Hardy, | no |
| <i>Massachusetts,</i> | | <i>North Carolina,</i> | |
| Mr. Dana, | ay | Mr. Spaight, | ay |
| <i>New Jersey,</i> | | <i>South Carolina,</i> | |
| Mr. Dick, | ay | Mr. Read, | ay |
| <i>Pennsylvania,</i> | | <i>Georgia,</i> | |
| Mr. Hand, | no | Mr. Houstoun, | no |
| <i>Maryland,</i> | | | |
| Mr. Chase, | no | | |

So the question was lost.

WEDNESDAY, AUGUST 4, 1784.

Eight states only attending, viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia; the Committee of the States is adjourned till ten o'clock to-morrow.

THURSDAY, AUGUST 5, 1784.

Only the same members attending as yesterday, the Committee of the States is adjourned till ten o'clock to-morrow.

FRIDAY, AUGUST 6, 1784

Only the same members attending as yesterday, the Committee of the States is adjourned till ten o'clock to-morrow.

SATURDAY, AUGUST 7, 1784.

Only the same members attending as yesterday, the Committee of the States is adjourned to Monday ten o'clock a. m.

MONDAY, AUGUST 9, 1784.

The Committee of the States assembled: Present, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

A motion being made by Mr. [Edward] Hand, seconded by Mr. [Richard Dobbs] Spaight, and notice given that the yeas and nays would be required during the debate,

Whereas the Committee of the States were directed by an Act of Congress of the 29th day of May last to prepare an ordinance for making the necessary arrangements of the Treasury and for more particularly defining the powers of the Board of Treasury, and also to revise the Institution of the office for foreign affairs, and the war office; and it is expedient that the same should be done before the Committee adjourns and the public records are removed, to the end that the public interest may be attended to, and the said Act of Congress complied with;

And Whereas, by intelligence received from the western frontier there is reason to apprehend a war with the Indians, unless the cause of their jealousy is removed, and treaties of peace concluded, to effect which the interposition of Government is required, and the exercise of those powers with which the Committee have been invested by Congress is indispensably necessary.

And Whereas, information may be hourly expected from the Commanding Officer of the British forces in Canada, touching the evacuation of the western posts ceded to the U. S. by the late treaty of peace; which information may call for the immediate attention of Government, and render a suspension of its powers, either by adjournment or otherwise, at this time and under these circumstances, highly injurious to the public welfare;

And Whereas, the Delegates from the States of New Hampshire and Massachusetts have announced to the Committee of the States their intention of returning home, which intention if carried into effect will leave the Committee without a competent number to proceed to business, expose the Fœderal Government to every danger that may result from the want of a fœderal head, and in the most evident manner contravene the design of Congress and the spirit of the Confederation;

Resolved, therefore, That the Chairman write to the Executives of the different States at this time unrepresented in the Committee of the States, requesting them to send on a member to take his seat in Committee as early as possible, to the end that the business referred by Congress to the Committee may be compleated, the fœderal Government relieved from the danger that may result from the want of a fœderal administration, and the design of Congress and the spirit of the Confederation properly attended to.¹

New Hampshire withdrew, whereupon, the Committee of the States adjourned to ten o'clock to-morrow.

TUESDAY, AUGUST 10, 1784.

Mr. [James] M'Henry attended for Maryland.

Only eight states attending, namely, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia; the Committee of the States is adjourned till ten o'clock to-morrow.

¹ This motion, in the writing of Edward Hand, is in the *Papers of the Continental Congress*, Committee Book, No. 10, *Journals Committee of the States*.

On this day, according to the indorsement, a letter of July 28 from Joseph Carleton was read. It is in No. 60, folio 87.

Also, a letter of August 5 from the Superintendent of Finance. It is in No. 137, III, folio 715.

WEDNESDAY, AUGUST 11, 1784.

Only seven states attending, namely, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia; the Committee of the States is adjourned till ten o'clock to-morrow.

THURSDAY, AUGUST 12, 1784.

Mr. [Jeremiah Townley] Chase attended for Maryland.

Only six states attending, namely, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia; and these being informed that the members for New Hampshire, Massachusetts, and New Jersey, left the city of Annapolis yesterday, with a view of returning to their respective homes, the Committee of the States is adjourned to ten o'clock to-morrow.

FRIDAY, AUGUST 13, 1784.

The same members attending as yesterday, the Committee of the States is adjourned to ten o'clock to-morrow.

Afterwards the members waited, but met irregularly till the 19 August, when they signed the following paper

Whereas the honorable the delegates from the states of New-Hampshire, Massachusetts, and New-Jersey, did on Wednesday, the eleventh day of the present month of August, leave the city of Annapolis, and set out for their respective homes, whereby the Committee of the States hath been reduced to a number insufficient to do any manner of business; and whereas the continuance to meet from day to day, of the remaining members, without the power to do any public act, will be unnecessary; and as they do not conceive there is the smallest hope, that a sufficient number of delegates can again be assembled at Annapolis, to enable the Committee of the

States to proceed to business, before the time appointed for the meeting of Congress pursuant to their adjournment, and it is proper that the public papers and records should be removed as speedily as may be to Philadelphia, till offices can be prepared for their reception at Trenton: The undersigned delegates have recommended, to the Secretary of Congress, to take order for the immediate removal and safe arrangement and disposition of the papers and records of Congress.

ANNAPOLIS, STATE OF MARYLAND, *Thursday, 19th August 1784.*

(Signed)

S. HARDY,

*Delegate from Virginia, and
chairman of the Committee of
the States.*

EDWARD HAND,

Delegate from Pennsylvania.

J. T. CHASE,

Delegate from Maryland.

RICHARD D. SPAIGHT,

Delegate from North-Carolina.

JACOB READ,

*Delegate in Congress from the
state of South Carolina.*

WM. HOUSTOUN,

*Delegate from Georgia.*¹

The undersigned Delegates have also advised the Chairman forthwith to write to the Supreme Executive of the several states unrepresented in the Committee of the States, informing them of the actual situation of the Committee, and of the present disposition of the papers and records of

¹ The original paper, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, Committee Book, No. 10, *Journals Committee of the States*.

Congress; that they may respectively send forward a Delegate to the City of Philadelphia or to Trenton (if the papers and records of Congress shall have been previously lodged in that place) in order that a Committee of the States may be assembled, and be enabled as early as possible to proceed to business. 19th August, 1784.

(Signed)

EDWD. HAND.

RICHD. DOBBS SPAIGHT.

JACOB READ.

WM. HOUSTOUN,

*Delegate from Georgia.*¹

¹ The original paper, in the writing of Jacob Read, is in the Committee Book, No. 10, *Journals of Committee of the States*.

JOURNAL OF THE
CONTINENTAL CONGRESS

639

TRENTON, MONDAY, NOVEMBER 1, 1784.

Pursuant to the Articles of Confederation, the following gentlemen attended as delegates:

| | |
|----------------------------|-------------------------|
| From | |
| <i>Massachusetts,</i> | <i>North Carolina,</i> |
| Mr. [Samuel] Holten. | Mr. [Hugh] Williamson. |
| <i>Virginia,</i> | <i>South Carolina,</i> |
| Mr. R[ichard] H[enry] Lee. | Mr. [Charles] Pinckney. |
| [James] Monroe. | <i>Georgia,</i> |
| | Mr. [William] Houstoun, |
| | [William] Gibbons. |

TUESDAY, NOVEMBER 2, 1784.

The same gentlemen attended as yesterday; and from South Carolina, Mr. [Jacob] Read.

WEDNESDAY, NOVEMBER 3, 1784.

The same attended as yesterday.

THURSDAY, NOVEMBER 11, 1784.

Four states attended, namely, New Jersey, Virginia, South Carolina and Georgia; and from the State of Massachusetts, Mr. [Samuel] Holten, and from North Carolina, Mr. [Hugh] Williamson. At the desire of the states and members attending, the Secretary wrote to the executive of the states unrepresented, urging them to send on delegates with all possible despatch.

MONDAY, NOVEMBER 29, 1784.

Six states assembled, namely, Massachusetts, New Jersey, Virginia, North Carolina, South Carolina and Georgia; and from the State of Pennsylvania, Mr. J[oseph] Gardner.

EODEM DIE, P. M.

The following gentlemen attended as delegates:

| | |
|------------------------------------|-------------------------------|
| For | <i>Virginia,</i> |
| <i>Massachusetts,</i> | Mr. Samuel Hardy, |
| Mr. Samuel Holten, | James Monroe, |
| George Partridge. | Richard H[enry] Lee. |
| <i>Rhode Island and Providence</i> | <i>North Carolina,</i> |
| <i>Plantations,</i> | Mr. H[ugh] Williamson, |
| Mr. David Howell | Richard Dobbs Spaight. |
| <i>New Jersey,</i> | <i>South Carolina,</i> |
| Mr. William Churchill | Mr. Jacob Read, |
| Houston, | John Bull, |
| John Beatty. | Charles Pinckney. |
| <i>Pennsylvania,</i> | <i>Georgia,</i> |
| Mr. Joseph Gardner, | Mr. William Houstoun, |
| William Henry. | William Gibbons. ¹ |

The delegates from the several states above mentioned, having produced their credentials, and the same being read,

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE *June 17th 1784*

ORDERED, That the Secretary be directed to notify the Honble Elbridge Gerry, Samuel Holten, George Partridge, Francis Dana & Tristram Dalton Esq^{rs} that they are elected by joint ballot of the two branches of the General Court agreeable to the Constitution to serve as Delegates from this Commonwealth in the United States in Congress assembled for one year, to commence on the first Monday in November next.

Sent down for Concurrence

SAMUEL ADAMS *Presi^{dt}*In the House of Representatives *June 17th 1784*

Read & Concurred

SAMUEL A. OTIS *Spk^r*

True Copy

Attest

JOHN AVERY JUN. *Secretary.*²

¹ For Georgia credentials see *ante*, July 5.

² The original is in the *Papers of the Continental Congress, Massachusetts, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

By His Excellency William Greene Esquire, Governor, Captain-
General, and Commander in Chief of and over the State of
[SEAL] Rhode-Island and Providence Plantations.

To DAVID HOWELL Esq^r Greeting

Whereas you the said David Howell was at the Anniversary Election of Officers for the State aforesaid held at Newport, on the First Wednesday in May last, appointed One of the Delegates to represent the said State in Congress: And whereas the General Assembly at the Session held at Newport on the Second Monday in June last passed an Act that the Delegates appointed as aforesaid, should be empowered to take their Seats in the Congress to be holden at Trenton on the First Monday in November next; and to continue and Act with full Powers as the Delegates of the said State in Congress for One Year from the said First Monday in November: I do therefore hereby empower & authorize you the said David Howell to represent the said State in the Congress of the United States of America to be holden at Trenton as aforesaid, and to continue and act as a Delegate of the said State, in the said Congress whensoever and wheresoever the said Congress shall meet for One Year from and after the said First Monday in November. And for your so doing this Commission shall be your sufficient Warrant.

Given under my Hand and the Seal of the said State this Thirtieth Day of October A. D. 1784, and in the Ninth Year of Independence.

W. GREENE.

By his Excellency's Order

HENRY WARD, *Secry.*¹

THE STATE OF NEW JERSEY

To The honorable William Churchill Houston, John Beatty, Samuel
[SEAL] Dick, Lambert Cadwallader and Charles Stewart Esquires,
GREETING—

The Council and Assembly reposing especial Trust and Confidence in your Integrity Prudence and Ability have at a Joint Meeting appointed you the said William Churchill Houston, John Beatty, Samuel Dick, Lambert Cadwallader and Charles Stewart or any two or more of you, Delegates to represent and vote in behalf of this State in the Congress of the United States of North America, to

¹ The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

commence the first Monday in November next, and to end the first day of November, One Thousand seven hundred and eighty five (unless a new appointment shall sooner take place). IN TESTIMONY whereof the GREAT SEAL of the State is hereunto affixed. Witness WILLIAM LIVINGSTON ESQUIRE Governor Captain General and Commander in Chief in and over the State of New Jersey and Territories thereunto belonging, Chancellor and Ordinary in the same at Trenton the twenty ninth day of October in the Year of our Lord one thousand seven hundred and eighty four and of our Sovereignty and Independence the ninth.

WIL: LIVINGSTON

By His Excellency's Command
BOWES REED, *Secy.*¹

STATE OF PENNSYLVANIA

In General Assembly.

TUESDAY NOVEMBER 16, 1784, *A. M.*

Agreeably to the order of the day the House proceeded to the election of Delegates to represent this State in the Congress of the United States for ensuing year, and the ballots being taken it appeared that the Honorable Joseph Reed, Cadwalader Morris, William Montgomery, Joseph Gardner and William Henry, of Lancaster, Esquires, were duly elected.

Extract from the Minutes

SAM^l BRYAN

*Clerk of the General Assembly.*²

[STATE OF VIRGINIA]

In the House of Delegates,

TUESDAY THE 22^d OF JUNE 1784

The House according to the Order of the day proceeded by joint Ballot with the Senate to the Choice of five Delegates to represent this Commonwealth in Congress for one year from the first Monday in November next: And the members having prepared Tickets with the names of the persons to be appointed and deposited the same in

¹ The original is in the *Papers of the Continental Congress, New Jersey, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

² The original is in the *Papers of the Continental Congress, Pennsylvania, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

the ballot boxes, Mr. Alexander White, Mr. Tazewell, Mr. Prentes, Mr. William Watkins & Mr. Matthews were nominated a Committee to meet a Committee from the Senate in the Conference Chamber and jointly with them to examine the Ballot Boxes and report to the house on whom the Majority of Votes should fall.

The Committee then withdrew and after some time returned into the House and reported that they had according to Order met a Committee from the Senate in the Conference Chamber and jointly with them examined the ballot Boxes and found a majority of Votes in favor of Samuel Hardy, James Monroe, John Francis Mercer, Richard Henry Lee and William Grayson esquires.

Extract from the Journal.

Teste

JOHN BECKLEY, *C. H. D.*¹

STATE OF NORTH CAROLINA

To Richard Dobbs Spaight, John Sitgreaves, Thomas Person, Benjamin Smith, Adlai Osborn and William Cumming Esquires Greeting.

We reposing especial trust and confidence in your integrity, fidelity and abilities do by these presents nominate, constitute and appoint you the said Richard Dobbs Spaight, John Sitgreaves, Thomas Person, Benjamin Smith, Adlai Osborn and William Cumming to be delegates to represent us in the honorable the Congress of the United States of North America for one year, to commence the first Monday in November next, being elected for this purpose by joint ballot of both houses of our General Assembly now sitting at Hillsborough. To have, hold, exercise and enjoy all the powers and authorities, together with all the profits and emoluments which to your Delegation belong or of right appertain: conforming to such Instructions you may receive from time to time from our General Assembly.

In Testimony whereof we have caused these our Letters to be made patent. Witness Alexander Martin Esquire, our Governor, Captain-

¹ The original of this "Extract from the Journal" is in the *Papers of the Continental Congress, Virginia, Credentials of Delegates*; and filed with it are the five commissions issued to Messrs. Hardy, Monroe, Mercer, Lee and Grayson, bearing the Seal of Virginia and signed by Benjamin Harrison. A note on the Extract states that it was "rec^d 28 August 1784." The "Extract from the Journal" was entered in No. 179, *Record of Credentials*, and not in the Journal. The Commissions were not entered, though Mr. Grayson's Commission was read in Congress, March 11, 1785, when he appeared and took his seat.

General and commander in chief under his hand & our Great Seal hereunto affixed at Hillsborough the 31st Day of May in the Year of our Lord one thousand seven hundred and eighty four: and eighth year of our Independence.

ALEX: MARTIN

[With the great seal appendant]

By His Excellency's Command.

W. WILLIAMS *D. Sec.*¹

STATE OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES

February 7th 1784.

The Honorable The Senate attended and together with this House proceeded to the Election of Five Delegates to represent this state in Congress.

On Casting up the Ballots,

M^r Speaker declared Henry Laurens, Major General William Moultrie, Pierce Butler, Jacob Read and Alexander Gillon Esquires to be duly Elected.

I do Certify that the above is a true Extract taken from the Journals of the House of Representatives.

JOHN SANDFORD DART,
C. H. R.

IN THE HOUSE OF REPRESENTATIVES,

March 9th 1784

STATE OF SOUTH CAROLINA

The Honorable The Senate having attended in the House of Representatives for the purpose of Electing Two Delegates to represent this state in Congress, in the room of the Honorable Major General Moultrie, Elected Lieutenant Governor, and the Honorable John Barnwell Esquire who declined serving,

Both Houses proceeded to such choice.

Upon Casting up the Ballots it appeared that The Honorable John Bull Esquire was the only One that had a majority of the Votes of the members present.

M^r Speaker thereupon declared the Honorable John Bull Esquire duly elected.

¹ The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

November, 1784

647

I do certify that the above is a just and true Extract from the Journals of the House of Representatives.

JOHN SANDFORD DART,
Clerk of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES,
March y^e 23rd 1784.

STATE OF SOUTH CAROLINA

The Honorable The Senate attended and together with this House proceeded to the Election of One Delegate to represent this State in Congress (there being but Four elected).

On Casting up the Ballots,

M^r Speaker declared Charles Pinckney Esquire to be duly Elected.

I do Certify that the above is a true Extract taken from the Journals of the House of Representatives.

JOHN SANDFORD DART, *C. H. R.*¹

On motion of Mr. [Jacob] Read, seconded by Mr. W[illiam] Houstoun,

Ordered, That the credentials just produced and read, be referred to a committee of five, to report thereon as soon as may be. The members chosen, Mr. [James] Monroe, Mr. [Samuel] Holten, Mr. [John] Bull, Mr. [John] Beatty and Mr. [Jacob] Read.

TUESDAY, NOVEMBER 30, 1784.

The states assembled: Present, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia.

Mr. [William] Ellery, a delegate for Rhode Island, &c. produced the credentials of his appointment; which were read.

¹ The originals of these three credentials are in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*. The first one is indorsed: "Credentials of Mr. Henry Laurens, Mr. Jacob Read, Mr. Alexander Gillon, Mr. John Bull, Mr. Charles Pinckney, Delegates for South Carolina. Read November 29th, 1784." They are all entered in No. 179, *Record of Credentials*, and not in the Journal.

By His Excellency William Greene Esquire, Governor, Captain
 [SEAL] General and Commander in Chief of and over the State of
 Rhode-Island and Providence Plantations.

To William Ellery Esq^r: GREETING.

Whereas you the said William Ellery was at the Anniversary Election of Officers for the State aforesaid held at Newport, on the First Wednesday in May last, appointed One of the Delegates to represent the said State in Congress: And Whereas the General Assembly at the Session held at Newport on the Second Monday in June last passed an Act that the Delegates appointed as aforesaid, should be empowered to take their Seats in the Congress to be holden at Trenton on the First Monday in November next, and to continue and Act with full Powers as the Delegates of the said State in Congress for One Year from the said First Monday in November. I do therefore hereby empower and authorize you the said William Ellery, to represent the said State in the Congress of the United States of America to be holden at Trenton as aforesaid, and to continue and act as a Delegate of the said State in the said Congress whensoever and wheresoever the said Congress shall meet for One Year from & after the said First Monday in November. And for your so doing this Commission shall be your sufficient Warrant.

Given under my Hand and the Seal of the said State this Twenty-eighth Day of October A. D. 1784 and in the Ninth Year of Independence.

W. GREENE.

By his Excellency's Order

HENRY WARD, *Secry.*¹

The committee, to whom were referred the credentials produced by the delegates from the states of Massachusetts, Rhode Island, New Jersey, Pensylvania, Virginia, North Carolina, South Carolina and Georgia, report, "That they have carefully examined the credentials to them referred, and are of opinion, that the honorable Samuel Holten and George Partridge, of the State of Massachusetts; the honor-

¹ The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

able David Howell, of the State of Rhode Island; the honorable William Churchill Houston and John Beatty, of the State of New Jersey; the honorable Joseph Gardner and William Henry, of Lancaster, of the State of Pennsylvania; the honorable Samuel Hardy, James Monroe and Richard Henry Lee, of the State of Virginia; the honorable Hugh Williamson and Richard Dobbs Spaight, of the State of North Carolina; the honorable Jacob Read, John Bull and Charles Pinckney, of the State of South Carolina; and the honorable William Houstoun and William Gibbons, of the State of Georgia, ~~appear to be clearly and indisputably entitled to their seats,~~ are authorised to sit and vote in the present Congress of the United States.”¹

Eight states being assembled, the United States in Congress assembled, proceeded to the election of a President, and, the ballots being taken, the honorable Richard Henry Lee was elected.

On motion of Mr. [Hugh] Williamson, seconded by Mr. [David] Howell,

Resolved, That the several matters which were before the United States in Congress assembled, at the time of their adjournment, and which were left unfinished by the Committee of the States, shall be taken up in the present Congress.

On motion of Mr. [David] Howell, seconded by Mr. [George] Partridge,

Resolved, That Friday next be assigned for the election of two commissioners of the Board of Treasury, in the room of the honorable Daniel of St. Thomas Jenifer, whose health

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 23, folio 261.

will not admit of his attendance, and the honorable Oliver Ellsworth, who has declined the appointment.¹

~~On motion of Mr. [Hugh] Williamson, seconded by Mr. [David] Howell,~~

~~Ordered, That the treaty of Amity and Commerce between his Swedish Majesty and the United States of America be published.~~

MARINE OFFICE 26th Oct. 1784.

SIR

At a marine Court Martial begun and held at Boston on the twenty ninth day of September last for the trial of Nicholas Gardner late a Lieutenant in the Frigate *Alliance* on a charge brought against him by Capt. Barry for disobedience of orders, the Court have sentenced the said Nicholas Gardner to forfeit his Commission, with proviso that such sentence should not affect any wages or prize money due to the said Nicholas Gardner, on or before the 26th day of November, 1782, when the disobedience of orders happened.

This sentence I have confirmed, and it now becomes my duty to mention that the Court after pronouncing the sentence have expressed a favorable opinion of M^r Gardner's merit as an officer and earnestly recommend him to the further service of the United States.

¹ Ellsworth's letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 417.

On this or an approximate date was read a petition of sundry persons asking leave to take up lands northwest of the River Ohio. It is in No. 42, VI, folio 105.

Also, a letter of August 4, 1784, from Arthur Lee. It is in No. 56, folio 129. See *post*, December 2, 1784.

Also, a letter of November 1 from Jos. Carleton. It was referred to Mr. [Samuel] Holten, Mr. [William] Ellery, Mr. [Samuel] Hardy, Mr. [James] Monroe and Mr. [Hugh] Williamson. It is in No. 60, folio 91.

Also, a letter of August 19 from Eben Hazard. It is in No. 61, folio 177.

Also, a letter of September 30 from the Superintendent of Finance. It is in No. 137, III, folio 719.

Also, a letter of the same date from him. It is on folio 793.

Also, a letter of August 7 from Colonel Josiah Harmar. It is in No. 163, folio 381.

Also, a letter of August 4, 1784, from the Secretary at War. It is in No. 167, folio 415.

Also, a letter of November 6 from John Pierce, Paymaster General. It is in No. 62, folio 53.

Copy of what they say is enclosed, and I must pray the sense of the United States in Congress upon it.

ROBT. MORRIS.¹

WEDNESDAY, DECEMBER 1, 1784.

Congress assembled: Present, the same as yesterday.

Mr. John Vining and Mr. Gunning Bedford, two of the delegates for the State of Delaware, attended, and produced credentials of their appointment, which were read.²

THE DELAWARE STATE, To all to whom these Presents shall come, send Greeting. Whereas our General Assembly
[SEAL] at their Sessions of Assembly held at Dover, on
 NICH^s VAN DYKE. the twenty sixth Day of this present Month of October, did, according to the Form prescribed by the Constitution, elect The Honorable John Vining, Gunning Bedford the younger, James Tilton and Samuel Patterson, Esquires, Delegates to represent this State in the Congress of the United States of America, from the first Day of November next ensuing, until the first Day of November in the year of our Lord One Thousand Seven Hundred and Eighty

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 739. Probably it was read on this or an approximate date. Copy of the opinion of the Court is on folio 745.

² On this day, as the indorsement indicates, was read a memorial of Brigadier General Lanenville. It is in the *Papers of the Continental Congress*, No. 41, V, folios 325-335.

Also, on this or an approximate date, a memorial of James Span. It is in No. 41, IX, folio 289.

Also, on this or an approximate date, a petition, dated New Jersey, November 4, 1784, of Phineas Manning, Robert Ross, Jun^r, and James Coddington. It is in No. 42, V, folio 301.

Also, as the indorsement states, a letter of July 5 from John Avery, secretary of the Massachusetts Council. It is in No. 65, II, folio 247.

Also, a letter of November 22 from Matthew Griswold, Governor of Connecticut. It is in No. 66, II, folio 280.

Also, a letter of September 29 from Bowen Reed for the New Jersey Council. It is in No. 68, folio 637.

Also, a letter of November 22 from Benjamin Thompson, which was referred to Mr. [John] Bull, Mr. [William] Ellery and Mr. [William] Henry. It is in No. 78, XXII, folio 296. Committee Book, No. 186, says a report was made March 14 1785.

Five: Now know Ye, that We do by these Presents, in pursuance of the said Appointment, commissionate the said John Vining, Gunning Bedford the younger, James Tilton and Samuel Patterson, Esquires, Delegates to represent the said State in the Congress of The United States aforesaid; hereby vesting them severally and respectively with all and singular the Privileges, Powers and Authorities to the said Office or Place of Delegate belonging by virtue of the said Constitution and the Appointment aforesaid: To have and to hold to them the said John Vining, Gunning Bedford, James Tilton and Samuel Patterson, Esquires, severally and respectively the said Office or Place of Delegate as aforesaid, during the Term aforesaid, unless they, or either of them, shall in the mean time be superseded by our General Assembly agreeable to the Constitution aforesaid. In Testimony whereof We have caused our Great Seal to be hereunto affixed. Witness His Excellency Nicholas Van Dyke, Esquire, Our President, Captain-General and Commander in Chief, at New Castle, the thirtieth Day of October in the year of our Lord One Thousand Seven Hundred and Eighty Four, and in the Ninth Year of our Independency.

Attest,

JAS. BOOTH, *Sec^y*¹

The Superintendent of Finance to whom it was referred to report a reasonable allowance for the time and expenses of Tench Francis while employed in going to Boston and superintending the bringing from thence the money imported by the Chevalier de Langle Begg leave to report,

That the service in which the said Tench Francis was employed was not only important in its own nature; but particularly so from the time and from the attending circumstances by which he was exposed to danger, in his person, his property and his reputation had any attempt been made on the treasure or considerable loss been sustained.

That the usual compensation paid to Bankers in Europe for money negotiations, where no such trouble is incurred, nor hazard encountered is one half pr. cent. but in such cases the loss of counting is to be sustained by the Banker, & the gain goes to his benefit.

¹ The original is in the *Papers of the Continental Congress, Delaware, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

That in the present case Congress have directed the sum of four hundred and six dollars and sixty ninetieths to be passed to the credit of the said Tench Francis being the amount of an error in the receipt given by him.

The following resolution is therefore submitted:

That Tench Francis be allowed one half per cent upon the money imported by the Chevalier de Langle for, receiving paying and superintending the transportation thereof from Boston to Philadelphia, deducting from the amount of the said one half per cent the sum heretofore passed to his credit by the resolution of the 19th of April last.

All which is humbly submitted.

OFFICE OF FINANCE Oct 1st 1784.¹

OFFICE OF FINANCE 1st Nov. 1784.

SIR,

I have the honor of enclosing to your Excellency, and pray you will deliver to the United States in Congress, the Commission by which I was appointed Superintendant of their Finances. It gives me great pleasure to reflect that the situation of public affairs is more prosperous than when that Commission issued. The Sovereignty and Independence of America are acknowledged. May they be firmly established and effectually secured! This can only be done by a just and vigorous Government. That these States therefore may be soon and long united under such a Government is my ardent wish and constant prayer.

ROBT. MORRIS.²

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 735. The indorsement states that it was read this day.

² This letter is in the *Papers of the Continental Congress*, No. 137, III, folio 753. From the indorsement it appears to have been referred to Mr. W[illiam] C[hurchill] Houston, Mr. [Jacob] Read and Mr. [James] Monroe. The indorsement further states: March 14 [1785] Mr. ~~Read~~—Mr. [James] Monroe, Mr. [Rufus] King. Committee Book, No. 186, says the first Committee was renewed January 17 [1785]. The letter was probably read on this or an approximate date. The commission is on folio 751.

THURSDAY, DECEMBER 2, 1784.

Congress assembled: Present, Massachusetts, New Jersey, Pennsylvania, Delaware, Virginia, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Abiel] Foster; from Connecticut, Mr. [Joseph Platt] Cook, and from the State of North Carolina, Mr. [Hugh] Williamson.

Mr. Abiel Foster, delegate for the state of New Hampshire, and Mr. Joseph Platt Cook, for the State of Connecticut, produced the credentials of their several appointments, which were read.

The Sovereign and Independent State of

NEW HAMPSHIRE

To The Honorable Abiel Foster Esquire Greeting

We The said STATE, reposing special trust & confidence in Your wisdom, virtue and fidelity, do by these presents, constitute and appoint You the said Abiel Foster Esquire a Delegate to represent this STATE in CONGRESS for the term of one year from the date hereof agreeable to the rules and regulations established by Law. And We do hereby vest in You all the powers, authorities, rights and privileges appertaining or belonging to this Your appointment, You governing Yourself from time to time agreeable to such orders as shall be transmitted to you by authority of our GENERAL COURT.

Witness MESHECH WEARE Esquire, Our President and Commander in Chief in and over the said State, has given under his hand and the great Seal of the State, this first day of November Anno Domino One thousand seven hundred and Eighty four, and in the Ninth year of Our INDEPENDENCE.

M. WEARE.

By His Excellency's command,

JOSEPH PEARSON, *Dep: Sec^r* [SEAL.]¹

¹ The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

STATE OF CONNECTICUT

At a General Assembly of the State of Connecticut in
[SEAL.] America holden at Hartford on the second Thursday of
May Anno Dom 1784

This Day being appointed by Law for the choice of Delegates to represent the State of Connecticut at the Congress of the United States of America,

PROCLAMATION was made in manner accustomed, And then the Votes of the Freemen were given in to the persons appointed by the Assembly to receive Sort and Count them and declare the Names of the Persons legally Chosen to the Office aforementioned, which Persons so appointed are Oliver Elsworth Esq^r, Col^o Jonathan Wells, Col^o Edward Russell, M^r Benjamin Coit, Maj^r Ezra Starr, Cap^t Jeremiah Ripley and Col^o John Sedgwick, who were all sworn to a faithfull discharge of that Trust. AND THE VOTES of the Freemen being bro^t in sorted and Counted—

William Pitkin Esq^r
Jedidiah Strong Esq^r
John Treadwell Esq^r
Joseph Platt Cook Esq^r
James Wadsworth Esq^r
William Williams Esq^r

Charles Church Chandler Esq^r, Are Elected and were publickly declared to be Delegates to represent the State of Connecticut in the Congress of the United States of America according to Law.

A true Copy of Record

Examined

By GEORGE WYLLYS *Secrety*¹

On motion of Mr. [David] Howell, seconded by Mr. [Jacob] Read,

Resolved, That a standing committee of qualifications to consist of five members be appointed, to report, from time to time, on the credentials of members during this Congress.

¹ The original is in the *Papers of the Continental Congress, Connecticut Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

Mr. Egbert Benson, a delegate for the State of New York, attended, and produced the credentials of his appointment, which were read.

THE PEOPLE of the State of New York, by the Grace of God, Free and Independent: To all to whom these presents shall come, send Greeting: Know Ye that We having inspected the Records Remaining in the Secretary's Office of our said State do find there a certain Commission in the Words following to Wit, "The people of the "State of New York, By the Grace of God Free and Independent: To "all to whom these presents shall come send Greeting: Whereas our "Senate and Assembly have on the twenty sixth day of October in "this present year Nominated and Appointed the Honorable John "Jay, Egbert Benson, Walter Livingston, John Lansing Junior and "Zephaniah Platt Esquires DELEGATES to Represent our said State in "the United States of America in Congress Assembled for one year from "the first Monday in November next: Now therefore Know Ye that "in pursuance of the said Nomination and Appointment we have by "these presents Commissioned the said John Jay, Egbert Benson, "Walter Livingston, John Lansing Junior and Zephaniah Platt "Esquires, with full power and authority to them the said John Jay, "Egbert Benson, Walter Livingston, John Lansing Junior and "Zephaniah Platt to Represent our said State in the said Congress "accordingly: In Testimony whereof We have caused these our "Letters to be made patent and the Great Seal of our said State to "be hereunto affixed: Witness our Trusty and Wellbeloved George "Clinton Esquire Governor of our said State General and Commander "in chief of all the Militia and Admiral of the Navy of the same, at "our City of New York the fourth day of November in the year of "our Lord one thousand seven hundred and eighty four, and of our "Independence the Ninth": ALL WHICH we have caused to be Exem-
plified by these presents, IN TESTIMONY whereof We have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto affixed: WITNESS our Trusty and Wellbeloved George Clinton Esquire Governor of our said State General and Commander in chief of all the Militia and Admiral of the Navy of the same at our City of New York, the said fourth day of November in

the year of our Lord one thousand seven hundred and eighty four, and of our Independence the Ninth.

GEO CLINTON

[with the Great Seal appendant]

Passed the Secretary's Office November 4th 1784

ROBT HARPUR *D Sec^{ty}* ¹

A motion was made by Mr [Samuel] Hardy, That the Secretary cause to be provided from each of the States of Pennsylvania New Jersey and New York forty of each of their newspapers for the use of the members of Congress.

Ordered, That this be referred to the Secretary to take order.²

[M^r Monroe's motion respecting the N. W. Posts.]

Whereas it was stipulated in the 7th article of the treaty between the U. S. and His Britannick Majesty, that the troops of His Britannick Majesty should be withdrawn from the posts and fortifications within the U. S. "with all convenient speed" and whereas the posts of M. Detroit &c &c within the U. S. are still held by B. garrisons and the said troops have not been in compliance with said article, withdrawn from the posts and fortifications within the north western bounds of the U. S. whereby the U. S. have been prevented from taking possession of said posts and their citizens excluded from free passage and navigation of the Lakes, to their imminent disadvantage, therefore

Resolved, That the Com[missioners] for negotiating commercial treaties be instructed to ~~repair to the Court of London~~ represent to his Britannick Majesty the dissatisfaction of the U. S. at ~~said procedure~~ the delay of the Court of ~~London~~ G. B. in complying with the said

¹ This commission was entered December 2, 1784, in the *Papers of the Continental Congress*, No. 179, *Record of Credentials*, and not in the Journal. Three of the original commissions are with the *New York Credentials of Delegates*, evidently the ones issued to Egbert Benson, who attended December 2; John Jay, December 6; and Walter Livingston, December 7, but the names are not indorsed on them.

² This motion is in the *Papers of the Continental Congress*, Letter Book A, No. 18, folio 46.

article to require that ~~said posts and fortifications be surrendered as soon as possible~~ his troops be withdrawn from every post and place within the ~~bounds~~ territory of the U. S. agreeable to the 7th article of the treaty and to *insist that a precise time be appointed for said purpose.*

~~To assure his Britannick Majesty that it is the desire of the United States to live in amity with him, and that they will do everything necessary on their part to cultivate the most friendly intercourse between the citizens and subjects of either power.~~¹

[M^r Jacob Read's motion]

That five Commissioners be forthwith appointed to survey and make an accurate plan of the lands lately ceded to the United States in Congress assembled by the States of New York and Virginia particularly that part purchased from the Indians by the Commissioners of United States in Congress Assembled, at the Treaty held on the 22^d day of October 1784 at Fort Stanwix, in which said map the line of property already laid down, and all such as may be agreed on in any other treaty to be held with the Indian Nations inhabiting the Northwestern, Western or South Western frontiers of the United States shall be clearly and distinctly marked, between the United States and the Indian Villages and hunting grounds. That in such plan all the principal lakes, rivers, creeks, mountains, trading paths and carrying places with other remarkable natural marks shall be noted, more particularly those streams which form or are nearest to the forming a navigable communication between the respective waters of the rivers falling eastward into the Atlantic Ocean, and those leading westward into the Ohio and Missisipi.²

¹ This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 30, folio 243. The indorsement states that it was made on this day and referred to Mr. [James] Monroe, Mr. [David] Howell, Mr. [Hugh] Williamson, Mr. [Egbert] Benson and Mr. [William] Houstoun.

² This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 455. The indorsement states that on this day it was referred to Mr. [David] Howell, Mr. [Hugh] Williamson, Mr. [Jacob] Read, Mr. [Samuel] Hardy and Mr. W[illiam] C[hurchill] Houston, and the committee discharged April 13, 1785. Committee Book, No. 186, states that the committee was renewed January 17, 1785.

FRIDAY, DECEMBER 3, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina and Georgia; and from the State of New Hampshire, Mr. [Abiel] Foster, from New York, Mr. [Egbert] Benson.

On the report of a committee, consisting of Mr. [James] Monroe, Mr. [William Churchill] Houston and Mr. [David] Howell, to whom was referred a commission of consul from his Majesty the King of Sweden, to Charles Hellstedt, dated the 22d of September, 1783, with an appointment to reside at Philadelphia,

Resolved, That the said commission be registered in the Secretary's office; and that thereupon acts of recognition in due form be immediately issued to the several states, in order that they may respectively furnish him with an exequatur or notification of his quality, that the same may be made known and published.¹

On the report of a committee consisting of Mr. [Samuel] Holten, Mr. [William] Ellery, Mr. [Samuel] Hardy, Mr. [James] Monroe and Mr. [Hugh] Williamson, to whom were referred letters from the Commissioners for negotiating with the Indians,

The Committee to whom were referred the letter from M^r Wolcott, M^r Butler, and M^r Lee with their enclosures submit the following Report,

The Commissioners (here insert their title) having transmitted to Congress a Treaty which they have concluded with the Six Nations in the following words viz. * * * (here insert the treaty)

Resolved, That the United States in Congress assembled approve
Postponed. of this treaty and every part of the same.

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 19, III, folio 123. It was also entered in the manuscript *Secret Journal*, Foreign Affairs.

Resolved, That the Secy: in the war Office cause the Troops at Fort Stanwix to be marched immediately to ~~West~~ ~~Point~~ Fort Ranselaer.

Passed.

Resolved, That Congress are highly pleased with the readiness expressed by the Indians to receive a Missionary among them and being desirous to embrace every opportunity of diffusing the benign precepts of Christianity among those nations the ——— is hereby authorised to cause a church to be built in place of that which was destroyed during the war, and to engage M^r Sam^l Kirkland as a Missionary among the Indians.¹

Postponed.

Resolved, That the Secretary in the War Office take order for the removal of the Troops from Fort Stanwix to Fort Ranselar and for the cantoning and supplying said troops in the neighbourhood of the said Fort.²

Resolved, That the Secretary in the War Office cause the troops at Fort Stanwix to be marched immediately to West-point.

According to order, Congress proceeded to the election of commissioners for the Board of Treasury, but no choice being made,

Ordered, That the election be postponed till Tuesday next.

On motion of Mr. [Samuel] Hardy, seconded by Mr. [George] Partridge,

Resolved, That Wednesday next be assigned for the election of a Secretary at War.

The Committee [Mr. James Monroe, Mr. David Howell, Mr. Hugh Williamson, Mr. Egbert Benson and Mr. William Houstoun] to whom was referred the motion of M^r [James] Monroe respecting the north-western posts of the U. S. beg leave to submit the following ~~resolution~~ report, viz:

Whereas it was stipulated in the 7th article of the treaty between his B. Majesty and the U. S. of A. that the Troops of his B. Majesty

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 30, folio 239. Wolcott, Butler and Lee's letter is in No. 56, folios 133 and 137.

² The above motion undated is on folio 245. A speech of the Oneidas, Fort Stanwix, October 20, 1785, is on folios 309.

should be withdrawn from the posts and fortifications within the U. S. "with all convenient speed"; and whereas Michilamackinack, Detroit and other posts within the U S are still held by British garrisons, therefore

Resolved, That be instructed to represent to his Britanick Majesty the dissatisfaction of the U S at the delay of the Court of G. B. in complying with said article, and to require that his troops be withdrawn from every post and place within the territory of the U. S. and to assure His B. Majesty that it is the desire of the U. S. to live in amity with him and that they will do everything necessary on their part to cultivate the most friendly intercourse between the citizens and Subjects of either power.¹

MONDAY, DECEMBER 6, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina and Georgia; and from New Hampshire, Mr. [Abiel] Foster; from Connecticut, Mr. [Joseph Platt] Cook, and from South Carolina, Mr. [Charles] Pinckney.

Mr. [John] Jay, a delegate for the State of New York, attended, and took his seat, his credentials having been previously laid before Congress.

Mr. Rufus King, a delegate for the Commonwealth of Massachusetts, produced the credentials of his appointment, which were read. Mr. Elbridge Gerry, another delegate for the Commonwealth of Massachusetts, attended, and took his seat, his credentials having been previously laid before Congress.

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 30, folio 67. The indorsement states that it was delivered this day, read and debated, and "further consideration postponed until Tuesday next."

On this day, as the indorsement indicates, instructions to the delegates of Massachusetts, respecting value of gold and silver coin, was referred to the Grand Committee, and by the Grand Committee to a subcommittee, consisting of Mr. [Hugh] Williamson, Mr. [John] Henry and Mr. [James] McHenry. It is in No. 65, II, folio 255. Committee Book, No. 186, shows that the committee was renewed January 17, 1785.

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency John Hancock Esquire Governor of the Commonwealth of Massachusetts.

To all unto whom these presents shall come . . . Greeting

WHEREAS the General Court of the Commonwealth aforesaid did on the third day of November instant agreeable to the Constitution of the said Commonwealth appoint the Honorable Rufus King Esquire a Delegate to represent this Commonwealth in the Congress of the United States of America.

Now therefore Know Ye that I do by these presents, and in pursuance of the said appointment Commission the said Rufus King Esquire to represent this Commonwealth in Congress and vest him with all & singular the powers & authorities to the said Office or place of Delegate belonging by virtue of the Constitution of this Commonwealth and the appointment aforesaid. And the said Rufus King Esquire is hereby required to observe the Instructions, which from time to time shall be given to him by the General Court of this Commonwealth.

IN TESTIMONY whereof I have caused the Public Seal of this Commonwealth aforesaid to be hereunto affixed. Witness John Hancock Esquire Governor as aforesaid.

Dated at Boston the third day of November A^o Dⁱ 1784 and in the Ninth Year of the Independence of the United States of America.

JOHN HANCOCK.

By His Excellency's Command,
JOHN AVERY Jun^r *Secretary*.¹

This being the day assigned for the appearance of the states of Massachusetts and New York, by their lawful agents, in

¹ This is copied from *Papers of the Continental Congress*, No. 179, *Record of Credentials* p. 113. It was not entered in the Journal, and the original Commission was returned to Mr. King, as shown by the indorsement on the following certificate, which is filed with the Massachusetts *Credentials of Delegates*:

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE BOSTON Dec^r 30th 1784

This may certify that on the third day of November last the Honble Rufus King Esq. was elected, by joint ballot of both Houses of the General Assembly of this Commonwealth as a Delegate to represent said Commonwealth in the United States in Congress Assembled in manner prescribed by the Constitution.

JOHN AVERY jun. *Secretary*.

pursuance of the notice transmitted to them, agreeably to the resolution of the 3d day of June last,

With the consent, and at the request of, the delegates of the states of Massachusetts and New York,

Resolved, That farther day be given, and that Wednesday next be assigned for the appearance of the said states.¹

TUESDAY, DECEMBER 7, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Abiel] Foster; from Connecticut, Mr. [Joseph Platt] Cook, and from Pensylvania, Mr. [William] Henry.

Mr. Walter Livingston, a delegate for New York, attended, and took his seat; his credentials having been previously laid before Congress.

Mr. Robert R. Livingston, a delegate for the State of New York, attended, and produced the credentials of his appointment, which were read.

THE PEOPLE of the State of New York, by the Grace of GOD Free and Independent: To ALL to whom these Presents shall come, send Greeting: WHEREAS our Senate and Assembly have, on the twenty seventh day of November in this present year Nominated and Appointed the Honorable Robert R. Livingston Esquire, Chancellor of our said State, a Delegate on this special Occasion to represent our said State in the United States in Congress assembled until the first Monday in November next: Now therefore Know Ye, that, in pursuance of the said Nomination and Appointment, We have by these Presents Commissioned Him the said Robert R. Livingston Esquire with full power and authority to Him the said Robert R. Livingston to Represent our said State in the said Congress accordingly: IN

¹ On this day, according to the indorsement, the petition of William Finnie was referred to Mr. [Samuel] Hardy, Mr. [John] Vining and Mr. [Hugh] Williamson. It is in the *Papers of the Continental Congress*, No. 41, III, folio 286. According to Committee Book, No. 186, a report was made December 17.

TESTIMONY WHEREOF We have caused these our Letters to be made patent and the Great Seal of our said State to be hereunto affixed. WITNESS our Trusty and Wellbeloved GEORGE CLINTON Esquire, Governor of our said State, General and Commander in Chief of all the Militia and Admiral of the Navy of the same, at our City of New York, the second day of December in the Year of our LORD one thousand seven hundred and eighty four: and of our Independence the ninth.

GEO: CLINTON

[With the Great Seal appendant]

Passed the Secretary's Office the 2^d Decem^r: 1784

ROBT HARPUR, *D. Sec^{ry} of the State.*¹

On motion of Mr. [Samuel] Hardy, seconded by Mr. [Hugh] Williamson,

Resolved, That the Secretary in the War Office be directed to stop the sale of such quartermaster and military stores as were directed to be sold under a letter from the said Secretary of 23 May, 1784, until the further order of Congress.²

On the report of a committee, consisting of Mr. [Samuel] Holten, Mr. [William] Ellery, Mr. [Samuel] Hardy, Mr. [James] Monroe and Mr. [Hugh] Williamson, to whom was committed a resolution passed on Friday last, pursuant to a former report of the said committee,

Resolved, That the Secretary in the War Office, cause the troops at Fort Stanwix, to be marched immediately to Fort Rensselaer.

¹ The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*, and is indorsed: "Mr. Chancellor Livingston's Commission as Special Delegate to Congress from New York." It was read December 7, and entered in No. 179, *Record of Credentials*, and not in the Journal.

² This motion, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 36, II, folio 469.

On this day, as the indorsement states, a letter of October 29 from W. Greene, Governor of Rhode Island, was read. It is in No. 64, folio 536.

Also, a letter of December 4 from Jno. Hopkins. It was referred to Mr. [Gunning] Bedford, Mr. [William] Beatty and Mr. [David] Howell. It is in No. 78, XII, folio 351. Committee Book, No. 186, states that the committee was renewed January 17, 1785.

The order of the day for electing two commissioners for the Board of Treasury being called for,

On motion of Mr. [Jacob] Read, seconded by Mr. [Elbridge] Gerry,

Ordered, That Tuesday next be assigned for the election of the said commissioners.

[Report of M^r James Monroe, M^r Charles Pinckney, M^r William Churchill Houston, M^r John Jay, M^r Gunning Bedford, M^r Samuel Hardy, M^r Elbridge Gerry, on note of M^r Marbois of 19th Nov. and papers enclosed touching the navigation of Mississippi.]

The Committee to whom was referred the note of M^r de Marbois chargé des affaires of his Most Christian Majesty with the papers enclosed submit the following Report:

That the following answer signed by the President be returned to Mons. de Marbois.

SIR,

~~I have recd. the note which you did me the honor to write on the 19th of Nov. with the papers enclosed. Congress are happy in the assurance that his Most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholic Majesty and the U. S. and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholic King will produce the desired effect.~~

The Committee are further of opinion it is very necessary and important that one of the ministers now in Europe a Minister be immediately commissioned to represent the U. S. at the C^t of Madrid and instructed to adjust if possible for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi and other matters highly interesting to the peace and good understanding which ought to subsist between them.¹

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 25, II, folio 377. The indorsement states that it was read on this day, Friday next assigned for consideration, and on Tuesday, 14th December, "postponed till tomorrow." See *post*, December 15 and 23.

On this day, as the indorsement states, instructions to the delegates of Virginia, relative to the right of navigating the Mississippi River were referred to Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [William Churchill] Houston, Mr. [John] Jay, Mr. [Gunning] Bedford, Mr. [Samuel] Hardy, and Mr. [Elbridge] Gerry. They are in the *Papers of the Continental Congress*, No. 71, II, folio 379.

WEDNESDAY, DECEMBER 8, 1784.

Congress assembled: Present as yesterday.

This being the day assigned for the appearance of the states of Massachusetts and New York, agreeable to the resolution of the 6th instant, and the United States in Congress assembled being informed, that the agents for the said states are now attending,

Ordered, That they be admitted.

The agents appeared accordingly, and produced their respective credentials, which were read as follows:

CREDENTIALS OF THE AGENTS FOR THE STATE OF MASSACHUSETTS.

Commonwealth of Massachusetts, in Senate, 11th November, 1784.

Whereas the legislature of this Commonwealth, by their petition to Congress, on the 27th day of May last past, alleged that certain lands to which the State of New York set up a claim, were the just and proper right of this Commonwealth, and Congress having given notice thereof to the said State, and appointed the first Monday of December next, to proceed in the premises, as by the Article of Confederation and perpetual union is directed:

Resolved, That the honorable John Lowell and James Sullivan, esqrs. with the delegates who shall actually represent this Commonwealth in Congress, on the first day of December next, or the major part of the persons before mentioned, be, and they hereby are constituted the lawful agents of this State, and are authorised and empowered, with such agent or agents as are or may be empowered therefor, on the part and behalf of the State of New York, to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the claims of the same state and of this Commonwealth, to the lands mentioned and described in the petition aforesaid: and in case the said State of New York shall neglect to attend by their agent or agents at the time appointed therefor by Congress; or if attending, the agent or agents of the said State and of this Commonwealth, cannot agree to appoint by joint consent, commissioners or judge for the purpose aforesaid, then the said agents of this Commonwealth, or the major part of

them, are hereby authorised and empowered, to do and transact all matters and things whatsoever, which, by the said Articles of Confederation and perpetual union, are made necessary to be done and transacted on the part of this Commonwealth, for the appointment of commissioners or judges for the purpose aforesaid.

Sent down for concurrence, SAMUEL ADAMS, *President*.

In the House of Representatives, November 11, 1784.

Read and concurred, SAMUEL A. OTIS, *Speaker*.

Approved, JOHN HANCOCK.

True Copy Attest: JOHN AVERY, jun, *Secretary*.¹

CREDENTIALS OF THE AGENTS FOR THE STATE OF NEW YORK.

The People of the State of New York, by the grace of God, free and independent, to all to whom these presents shall come, send greeting: Know ye, That we having inspected the original acts of the legislature of our said State, remaining in our secretary's office, do find there a certain act passed the 12th day of November, 1784, in the words and figures following, to wit: "An act to appoint agents or commissioners for vindicating the right and jurisdiction of this state, against the claims of the Commonwealth of Massachusetts, pursuant to the Articles of Confederation and perpetual union of the United States. Whereas the United States of America in Congress assembled, at the city of Annapolis, on the third day of June last, did make and publish a certain act in the words following, that is to say: 'By the United States in Congress assembled, in the city of Annapolis, on the third day of June, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the independence of the United States of America, to the legislative authority of the State of New York, it is hereby made known, that pursuant to the ninth of the Articles of Confederation and perpetual union, the legislature of the Commonwealth of Massachusetts, have presented a petition to Congress in the words following: To the United States in Congress assembled, the petition of the legislature of the Commonwealth of Massachusetts sheweth, That whereas James the First, late King of Great Britain, by his Letters Patent, bearing date at Westminster, the 3d day of November, in the 18th year of his reign, granted unto the council established at

¹ The credentials of the Massachusetts agents are in the *Papers of the Continental Congress*, No. 65, II, folio 233.

Plimouth, in the county of Devon, and Kingdom of Great Britain, commonly called the council for planting, ruling and ordering and governing of New England, in America, all that part of America, lying and being in breadth from forty to forty-eight degrees of northerly latitude, and of length of and within all the breadth aforesaid, throughout the main lands from sea to sea, to hold the same to themselves, their successors and assigns for ever. And whereas the said council established at Plimouth, by their deed indented under their seal, dated the 19th day of March, in the third year of the reign of Charles the first, late king of Great Britain, did bargain, sell, enfeoff, alien and confirm, unto Sir Henry Roswell and his associates, and to their heirs and assigns, all that part of New England in America, which lieth and extendeth between a great river called Merrimack, and a certain other river there called Charles river, being the bottom of a bay there called Massachusetts Bay, and also all those lands lying within three English miles to the southward of the southernmost part of the said bay, and extending thence northward in latitude to the northward of every part of the said river Merrimack, and in the breadth of latitude aforesaid, extending throughout all the main land in longitude westwardly to the southern ocean. And the said legislature in their claim herein described, do aver, that the point or place situate three miles south of the bay called Massachusetts Bay, is a point or place situate in forty-two degrees of northern latitude, two minutes north; and that the place, point or boundary aforesaid, of three miles to the northward of every part of the river Merrimack, is a place or point situate in forty-four degrees northern latitude fifteen minutes north; and that by the grant aforesaid, the said Sir Henry Roswell and his associates became seized of all the lands before described and contained in the grant aforesaid, of the said council established at Plimouth; and that the same grant was confirmed to the said Henry Roswell and his associates, by the said king Charles, by his letters patent, dated in the fourth year of his reign; and that the said Sir Henry Roswell and his associates, were immediately, upon the making the grant aforesaid, by the said council, in the actual seizin and possession of all the lands aforesaid, and for many years held the same under the name and title of the Governor and Company of Massachusetts Bay in New England; and that such proceedings and possessions have been done and had, respecting the territory aforesaid

granted to the said Sir Henry Roswell and his associates, and such subsequent grants have been made of the same, that all the said territory is now the just and proper right of the Commonwealth aforesaid, and all this the said legislature are ready to verify. "And whereas the State of New York have set up a claim to some part of the land before mentioned, and it being highly necessary to have the same claim brought to an immediate decision, they do therefore in behalf of the said Commonwealth, most solemnly request the United States of America in Congress assembled, that commissioners may be appointed, for enquiring into and determining upon the claim aforesaid of the said legislature, and that such other proceedings respecting the premises may be had, as are by the federal government of the said United States in such cases made and provided; and that the first Monday in December next is assigned for the appearance of the said states of Massachusetts and New York by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by the said Articles of Confederation and perpetual union is directed.' Be it therefore enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston, esqrs. shall be, and they hereby are declared to be agents for this State, in the controversy between this State and the said Commonwealth of Massachusetts, in the said recited act of the United States in Congress assembled mentioned; and the said James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston, esqrs. or any two or more of them, are hereby authorised and directed, on the day and place for that purpose in the said act limited, and at such other times and places as the occasion shall require, in behalf of this State, to appear before the said United States in Congress assembled, in order by the joint consent of them the said agents or any two or more of them, and the agents on the part of the said Commonwealth of Massachusetts, to appoint commissioners or judges to constitute a federal court for hearing and determining the controversy aforesaid; and if it shall so happen, that the agents for the said State of New York and Commonwealth of Massachusetts respectively, shall not agree by joint consent in appointing commissioners or judges to constitute such court, then it shall and may be lawful to and for the said agents on

the part of this State, or any two or more them, and they or any two or more of them are hereby authorised and required to proceed in behalf of this State to the appointment of such commissioners or judges, in the manner and form¹ directed and prescribed in and by the said Articles of Confederation and perpetual union, and also to appear before the said commissioners or judges when lawfully constituted, and there to represent this State, and to manage, vindicate and defend the rights and jurisdiction thereof, against the claim of the said Commonwealth of Massachusetts, by all lawful ways and means, with full power and authority, to employ such council learned in the law, and such solicitors as they shall think necessary to enable them more effectually to discharge the trust reposed in them by this act. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the secretary of the State of New York, and the clerk of the City and County of Albany, or their respective deputies, and for the respective clerks of the senate and assembly of this State, to produce on the hearing of the controversy aforesaid, and for that purpose to convey out of the State all such original papers remaining in their respective offices, as by the agents herein appointed to manage the controversy aforesaid, on the part of this State, or any two or more of them, shall be judged necessary for the better manifestation of the boundaries and jurisdiction of this State: Provided always, and be it further enacted by the authority aforesaid, that this act, or any article, clause, matter or thing herein contained, shall not extend or be deemed, construed, adjudged or taken to annul, alter, or in any wise affect certain articles of agreement made and concluded upon the 18th day of May, in the year of our Lord one thousand seven hundred and seventy-three, between commissioners appointed by an act of the legislature of the late colony of New York, and commissioners appointed by an act of the legislature of the late colony of Massachusetts Bay, nor to annul, alter or in any wise affect a certain instrument in writing, bearing date the 18th day of May, in the year last aforesaid, under the hands and seals of the then governors of the said colonies of New York and Massachusetts Bay respectively, signifying their approbation of the said agreement, nor any act or proceeding in pursuance of the said articles of agreement,

¹ From this point the entry in the Journal is in the writing of Benjamin Bankson.

which have been done and performed since the settlement of the said jurisdiction line, by commissioners and surveyors appointed as well on the part of this State, while the colony of New York, as on the part of the State or Commonwealth of Massachusetts, while the colony of Massachusetts Bay, respecting the running and marking in part the jurisdiction line in the said articles of agreement described; nor any act or proceeding which is now doing and performing, or shall be done and performed by the commissioners and surveyors appointed on the part of this State, and on the part of the State or Commonwealth of Massachusetts, to complete the said jurisdiction line, according to the true intent and meaning of the said articles of agreement. And be it further enacted by the authority aforesaid, that a certain act of the legislature of this State, entitled 'An act to empower the Congress of the United States, of America, to determine all controversies relative to certain lands in the counties of Cumberland, Gloucester, Charlotte and Albany, commonly called the New Hampshire Grants,' passed the 21st day of October, 1779, so far as the same act respects claims or boundaries in controversy between this State and the State or Commonwealth of Massachusetts Bay, be, and the same hereby is repealed." All which we have caused, by these presents, to be exemplified. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said State of New York to be hereunto affixed. Witness our trusty and well beloved George Clinton, esq. our governor of our said State, general and commander in chief of all the militia, and admiral of the navy of the same, at our city of New York, the 1st day of December, in the year of our Lord one thousand seven hundred and eighty-four, and of our independence the ninth.

GEORGE CLINTON." ¹

The credentials being read, the agents withdrew; Whereupon,

Ordered, That the Secretary furnish the agents of each party with copies of the credentials of the other, and that they appear again on Friday next; and that they then in-

¹ The credentials of the New York agents are in the *Papers of the Continental Congress*, No. 75, folio 167.

At this point Charles Thomson resumes the entries in the Journal.

form the United States in Congress assembled, whether they have any, and what objections, to the credentials produced.

The committee, consisting of Mr. [David] Howell, Mr. [Egbert] Benson, Mr. [Samuel] Holten, Mr. [James] Monroe and Mr. [Gunning] Bedford, appointed to revise the system of the War Office, and report such alterations as they may judge necessary, reported the draught of an ordinance, which was read a first time:

Ordered, That Wednesday the 15 of this present month be assigned for a second reading.

Ordered, That the election of a Secretary at War be postponed, until the United States in Congress assembled shall have determined on the Ordinance for regulating the War Office.

The Committee of the week [Mr. Charles Pinckney, Mr. Joseph Platt Cooke and Mr. William Gibbons] beg leave to report, that the petition of James Heard respecting the settlement of the accounts of Col. Lee's legion and of James Manning and several others late Serjeants in the light dragoons be referred to the Secretary at War as soon as such an appointment shall take place.¹

And that the memorial of James Warren respecting the settlement of his accounts with the Commercial Committee and other matters therein contained be referred to a special Committee.¹

THURSDAY, DECEMBER 9, 1784.

Congress assembled: Present, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Caro-

¹ This report, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 32, folio 577. The indorsement states that it was passed on this day.

The petition of James Heard was read this day. It is in the *Papers of the Continental Congress*, No. 42, III, folio 469.

Also, a petition from James Rumsey. It was referred to ~~Mr. [Egbert] Benson~~, Mr. [Hugh] Williamson, Mr. [William Churchill] Houston and Mr. [Pierce] Long. Committee Book, No. 186, shows that the committee was renewed January 17, 1785.

Also, a letter of November 25 from the Marquis Lafayette to John Jay. It is in No. 156, folio 396.

lina, South Carolina and Georgia; and from New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [William] Ellery, and from Connecticut, Mr. [Joseph Platt] Cook.

The committee, consisting of Mr. [John] Jay, Mr. [Hugh] Williamson and Mr. [Samuel] Hardy, to whom was referred a letter of the 6th, from the Marquis de la Fayette, report, that in the opinion of the committee, the merit and services of the Marquis render it proper that such an opportunity of taking leave of Congress be afforded him, as may strongly manifest their esteem and regard for him; Whereupon,

Resolved, That a committee, to consist of one member from each State, be appointed to receive the Marquis, and in the name of Congress to take leave of him. That they be instructed to assure him, that Congress continue to entertain the same high sense of his abilities and zeal to promote the welfare of America both here and in Europe, which they have frequently expressed and manifested on former occasions, and which the recent marks of his attention to their commercial and other interests have perfectly confirmed. That as his uniform and unceasing attachment to this country has resembled that of a patriotic citizen, the United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity, and that their best and kindest wishes will always attend him.

~~*Resolved*, That this particular and singular mark of respect and attention to the marquis shall not be considered as a precedent on any future occasion.¹~~

¹ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 19, II, folio 249. Lafayette's letter is on folio 253. Committee Book, No. 186, gives the Committee as Mr. [Abiel] Foster, Mr. [Elbridge] Gerry, Mr. [William] Ellery, Mr. [Joseph Platt] Cook, Mr. [John] Jay, Mr. [John] Beatty, Mr. [William] Henry, Mr. [Gunning] Bedford, Mr. [John Francis] Mercer, Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [William] Houstoun.

On motion of Mr. [John Francis] Mercer, seconded by Mr. [Jacob] Read,

Resolved, That a letter be written to his Most Christian Majesty, to be signed by his Excellency the President of Congress, expressive of the high sense, which the United States in Congress assembled, entertain of the zeal, talents and meritorious services of the Marquis of Fayette, and recommending him to the favour and patronage of his Majesty.¹

The Committee, consisting of M^r [Samuel] Holten M^r William Churchill Houstoun, M^r [Jacob] Read, M^r [Gunning] Bedford and M^r [Samuel] Hardy, to whom were referred the letters from the Ministers of the United States at foreign Courts, Submit the following Report:

That the Minister Plenipotentiary from the United States to the States General of the United Netherlands, Be instructed to Communicate to Mons. de St. Saphorin, envoy extraordinary from his Danish Majesty to the States General. The high Sense, the United States in Congress assembled entertain of the liberal decision made by his Majesty on the Question proposed to his Majesty's Minister at the Hague by M^r Adams Minister from the United States, respecting the ordination of American Candidates for Holy orders in the Episcopal Church, Commonly called the church of England; and that the Secretary of ~~Congress~~ foreign affairs do take order for making public the information contained in the despatch from the Danish Prime Minister, communicated to M^r Adams by Mons. de S^t Saphorin.

The Committee pray leave further to Report that the United States in Congress assembled having on the day of last appointed the honorable John Adams, Benjamin Franklin, and Thomas Jefferson Esqrs. their Commissioners for negotiating Commercial Treaties with several powers in Europe and Elsewhere, with Plenipotentiary powers and proper instructions, It is become unnecessary for Congress to give any particular orders respecting the project of a Treaty with the King of Prussia transmitted to Congress by M^r

¹ The proceedings for this day were also entered in the manuscript Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

Adams; but that, as it is alledged to be the wish of his Prussian Majesty to have the Treaty between his Majesty and the United States concluded at the Hague with his Minister the Baron Thulimyer. That the Commissioners of the United States, if they shall deem it expedient be, and they or any two or more of them are hereby authorized to repair to the Hague to execute such Treaty accordingly.

The Committee further beg leave to report that the annexed draft of a letter marked A be adopted by Congress and that a number signed by the President be transmitted to the Ministers of the United States in Europe to be by them forwarded to the respective Sovereigns and States in Europe and elsewhere, that have not already entered into negotiations or signed Treaties with the United States—and that said Commissioners be, and they are severally hereby authorized to fill up the direction and other Blanks in such letters in the manner accustomed and proper.

Your Committee further report it as their opinion, that tis highly necessary and expedient, that a Minister be appointed by the United States to reside constantly at the Court of London; and that considering the present disposition of that Court towards these United States, this Measure admits of no delay.

Your Committee conceive that the many attempts to cramp the intercourse of the United States with the British West India Islands, and other restrictions on our trade have originated from the constant ill offices and misrepresentations of certain Refugees from these United States, who avail themselves of every opportunity to wreak their vengeance on a Country from Which they suppose themselves forever exiled.

Your Committee are of opinion, that the presence of an American Minister would tend to defeat their machinations and in fine produce a more liberal intercourse between these States, and the possessions of the Crown of Great Britain. Nor can the least doubt be entertained; but that a Minister from these U. S. would meet with a most respectful and proper reception at the British Court.

The Committee therefore submit the following Resolves:

Resolved, That on the day of this Instant December, the United States in Congress assembled will proceed to the choice of some fit person to reside constantly at the Court of London as their Minister Plenipotentiary to his Britannic Majesty, and also of a Secretary of Legation to that Court.

Resolved, That a Committee be appointed to prepare a draft of Instructions for the Minister of the United States proposed to be sent to the Court of London.

The United States of America in Congress assembled to ——
Health,

The People inhabiting the Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, heretofore under the Dominion of the Crown of Great Britain, having for sundry reasons set forth in their declaration of the 4th July, 1776, found it necessary to declare and accordingly declared themselves, Free, Sovereign and Independent.

They afterwards for their mutual security and defence entered into Articles of Confederation and perpetual Union, assuming the Stile and announcing themselves to the Nations of the Earth by the name of "THE UNITED STATES OF AMERICA."

After a war of near eight years' continuance, by the blessing of divine Providence and the interposition and assistance of a great and magnanimous Ally, The United States of America have terminated their dispute with Great Britain by a definitive treaty of peace, signed at Paris on the 3rd of September 1783, the ratifications of which have since been duly exchanged. Whereby his Britannic Majesty hath formally and solemnly acknowledged the said United States to be free sovereign and Independent States, that he treated with them as such and for himself his heirs and successors, relinquished all claims to the Government, proprietary and territorial right of the same and every part thereof.

The United States of America having thus taken a Station among the Nations as a Sovereign Power, it is our earnest wish to live in the most perfect Harmony and a constant interchange of good offices and correspondence with the respective Sovereigns of Europe, and of all other parts of the world and particularly with your Majesty.

We have therefore embraced the earliest opportunity of making this communication with the utmost respect to your —— Majesty, not doubting but that you will hear with pleasure of the prosperity of our confederated Republics, and join in the furtherance of a friendly intercourse, between your subjects and the Citizens of these United States.

We pray God constantly to have your Majesty in his most holy keeping.

Done at Trenton, in the State of New Jersey, By the United States of America in Congress assembled and Signed with the hand of his Excellency Richard Henry Lee our President, this day of

In the year of our Lord one thousand seven hundred and eighty four and in the Ninth year of our Sovereignty and Independence.

Attest.¹

That the S. F. A. ~~deliver~~ transmit to the Executives of the Dif. States, copies of M^r Adams' letter of the 22nd day of April 1784 as well as its inclosures relative to episcopal ordination, ~~to such members of Congress as may apply for the same.~~²

FRIDAY, DECEMBER 10, 1784.

Congress assembled: Present as yesterday.

A letter, of 6, from William Denning, was read, informing, that he is under the necessity of declining to accept the office of Commissioner of the Board of Treasury; Whereupon,

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 25, II, folios 381-8. The indorsement states that it was read on this day; and on Tuesday, March 1, 1785, postponed.

² This motion, undated, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 25, II, folio 389.

On this day, as the indorsement indicates, a letter of December 9, 1784, from John Blair was referred to Mr. [John] Bull, Mr. [William] Ellery and Mr. [William] Henry. It is in No. 78, IV, folio 453. Committee Book, No. 186, says that a report was made February 16, 1785.

Also, a letter of December 5 from Daniel Jones was read. It is in No. 78, XIII, folio 313.

Also, a letter of September 29 from Charles Stockly. It was referred to Mr. [John] Bull, Mr. [William] Ellery and Mr. [William] Henry. The indorsement further states that the Committee reported March 16, 1785. It is in No. 78, XXI, folio 361. Committee Book, No. 186, gives the date of the report as March 14.

Also, a letter of December 8 from [François] Carbonneaux transmitting a memorial from inhabitants of Kaskaskia, Illinois, which was referred to Mr. [Samuel] Hardy, Mr. [Charles] Pinckney, Mr. [Egbert] Benson, Mr. [Hugh] Williamson and Mr. [David] Howell. It is in No. 30, folio 455. Committee Book, No. 186, says the committee reported February 15, 1785.

Resolved, That Tuesday next, be assigned for electing another Commissioner for the Board of Treasury, in the room of Mr. William Denning, who has declined that office.¹

According to order, the agents for the States of Massachusetts and New York attended, and informed the United States in Congress assembled, that they have respectively been furnished with the credentials of the other party, and have no objections thereto; Whereupon,

Resolved, That the agents for the States of Massachusetts and New York be, and they are hereby directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question, agreeable to the ninth of the Articles of Confederation and perpetual Union.

A motion being made by the State of South Carolina, seconded by the State of Pennsylvania,

“That for the more convenient transaction of the business of the United States and accommodation of Congress, it is expedient for them to adjourn from their present residence;” when the question was about to be put, the yeas and nays being required by ~~Mr. Read~~, the determination thereof was put off till to-morrow, by the State of New Jersey.

The Committee, consisting of M^r. [Samuel] Holton, M^r. William Churchill Houstoun, M^r. [Jacob] Read, M^r. [Gunning] Bedford, and M^r. [Samuel] Hardy, to whom were referred the letters of the Ministers from the United States of America at Foreign Courts and also sundry reports of Committees and other documents respecting C. G. W. [C. W. F.] Dumas of the City of Amsterdam.

Report, That it appears, that M^r. Dumas has for a considerable time past been employed either by the Secret Committee of Congress or through the Ministers of the United States in Europe, in business highly confidential.

¹ Denning's letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 89.

It further appears that M^r Dumas hath always shewn the greatest zeal and activity in the service of the United States, his despatches being numerous and often containing intelligence, materially interesting to the United States.

That from the papers referred to your Committee it also appears that in consequence of M^r Dumas being early engaged in the confidential business of Congress and before the cause of America was fully understood, or had many advocates in Holland, he not only incurred great odium, but in consequence of his entire devotion to the views and service of Congress and their Ministers, he hath actually been thrown out of other employments and suffered greatly in his private fortune. Your Committee therefore recommend that it be,

Resolved, That the Ministers Plenipotentiary of the United States in Europe or any two of them, be and they are hereby empowered and directed to enquire into the sacrifices and services of C. G. W. Dumas and the salaries he hath heretofore received for the same, and to make him a liberal and ample gratuity out of any monies of the United States now in Europe for the sacrifices made and services rendered by him to the United States, also to order such additional salary to that now enjoyed by M^r Dumas as they in their discretion, may judge proper.

Resolved, That as Congress do not at present deem it expedient to employ in a public character a citizen or subject of any foreign state, the Minister of the United States at the Hague considers M^r Dumas only as the private agent and confidential servant of the United States in which character he may continue to render essential services to the United States.¹

[Motion of M^r Jacob Read]

Resolved, That the Secretary in the War Office do in the name of the United States in Congress Assembled present to Major General the Marquis de Lafayette a standard of those captured at the surrender of the British Army under the command of Lieut. Gen^l, The

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, II, folio 153. The indorsement states that it was read on this day. See *post*, October 14, 1785.

According to the indorsement, a letter of November 20 from Richard Butler and Arthur Lee, was read on this day. It is in No. 56, folio 313.

| | | | | | |
|-----------------------|----|-----------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | } | Mr. Gardner, | ay | } ay |
| <i>Massachusetts,</i> | | | Henry, | ay | |
| Mr. Gerry, | no | } no | <i>Delaware,</i> | | } ay |
| Holten, | no | | Mr. Vining, | ay | |
| Partridge, | no | | Bedford, | ay | |
| King, | no | | <i>Virginia,</i> | | } ay |
| <i>Rhode Island,</i> | | Mr. Lee, | ay | | |
| Mr. Ellery, | no | Hardy, | ay | | |
| <i>Connecticut,</i> | | } * | Monroe, | ay | } ay |
| Mr. Cook, | no | | Mercer, | ay | |
| <i>New York,</i> | | } no | <i>North Carolina,</i> | | } * |
| Mr. R. R. Livingston, | no | | Mr. Spaight, | ay | |
| Benson, | no | | <i>South Carolina,</i> | | } ay |
| W. Livingston, | no | Mr. Read, | ay | | |
| <i>New Jersey,</i> | | Bull, | ay | | |
| Mr. Houston, | no | } no | Pinckney, | ay | } ay |
| Beatty, | no | | <i>Georgia,</i> | | |
| Dick, | no | | Mr. Houstoun, | ay | } ay |
| Stewart, | no | | Gibbons, | ay | |

So the question was lost.

On the report of a committee, consisting of Mr. [James] Monroe, Mr. R[obert] R. Livingston and Mr. [John] Beatty, to whom was referred a letter of Major ~~E.~~ Doughty,

Resolved, That the Secretary in the War-Office take order for supplying the troops under the command of Major Doughty, with cloathing, agreeably to the return to the War-Office.

Resolved, That Mr. Duer, the present contractor, be requested to continue to supply the said troops, as also those at Fort Rensselaer, upon the terms he hath hitherto done with provisions for the months of January and February ensuing.

Resolved, (by nine states) That in consideration of the additional expence into which Major Doughty hath been

thrown by having the command of the garrison at West Point, he be allowed the pay and emoluments of major of artillery, to commence from his appointment to the said command.¹

In pursuance of the foregoing resolve [of December 9], the committee of one for each state reported a draft of a letter, which was agreed to as follows:

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

The various reiterated and important acts of friendship done by your majesty to these states have inspired them with strong attachment to your person, and with firm confidence in your friendly disposition towards them. Both these considerations unite in urging us to recommend to your majesty's particular attention and favour the Marquis de la Fayette, a nobleman who has ably promoted the interests of both countries, and acquired glory by strenuous and successful endeavours to advance our mutual honour, prosperity and confidence.

Permit us to assure your majesty, that we not only approve but admire his conduct. We entertain esteem and affection for him as a man. We think highly of his talents, and are convinced of his disposition to perpetuate the amity and good understanding which we pray God may ever subsist between France and America.

May the Author of all good continue to bless your majesty, your family, and people, and keep you and them under his holy protection.

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 19, II, folio 107. Major John Doughty's letter is in No. 78, VIII, folio 81.

By the unanimous order of Congress, at Trenton, the 11th December, 1784.

RICHARD HENRY LEE, *President.*

CHARLES THOMSON, *Sec'y.*

On the outside directed to

Our great, faithful and beloved Friend and Ally,
Louis XVI. King of France and Navarre.

Sent under cover to Doctor Franklin.¹

MONDAY, DECEMBER 13, 1784.

Congress assembled: Present, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Abiel] Foster; and from Connecticut, Mr. [Joseph Platt] Cook.

Resolved, That Thursday next be assigned for the appointment of ~~a chaplain~~ two chaplains to Congress.²

On motion, of Mr. [John] Jay, seconded by

Resolved, That the appointment of chaplains be made annually.

Mr. [John] Jay, chairman of the committee, consisting of a member from each State, appointed to receive and take leave of the Marquis de la Fayette, reported, that on the 11th instant they received the Marquis in the Congress chamber, and took leave of him agreeable to the instructions given them on that subject: That they communicated

¹ This letter was entered only in the manuscript Secret Journal, Foreign Affairs, No. 5 in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III. The cover direction is entered in Secret Journal No. 4 and the draft of the letter, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 19, II, folio 257.

² This report, in the writing of ——— is in the *Papers of the Continental Congress*, No. 36, II, folio 481.

to him the purport of the resolutions of the 9th, and that he thereupon made the following answer:

“SIR:—While it pleases the United States in Congress so kindly to receive me, I want words to express the feelings of a heart which delights in their present situation, and the bestowed marks of their esteem.

Since I joined the standard of liberty, to this wished for hour of my personal congratulations, I have seen such glorious deeds performed and virtues displayed by the sons of America, that in the instant of my first concern for them, I had anticipated but a part of the love and regard which devote me to this rising empire.

During our revolution, Sir, I obtained an unlimited indulgent confidence, which I am equally proud and happy to acknowledge; it dates with the time, when, an unexperienced youth, I could only claim my respected friends' paternal adoption. It has been most benevolently continued throughout every circumstance of the cabinet and the field; and in personal friendships, I have often found a support against public difficulties. While on this solemn occasion I mention my obligations to Congress, the states, the people at large, permit me also to remember the dear military companions, to whose services their country is so much indebted.

Having felt both for the timely aid of my country, and for the part she, with a beloved king, acted in the cause of mankind, I enjoy an alliance so well rivetted by mutual affection, by interest, and even local situation. Recollection ensures it. Futurity does but enlarge the prospect; and the private intercourse will every day increase, which independent and advantageous trade cherishes, in proportion as it is well understood.

In unbounded wishes to America, Sir, I am happy to observe the prevailing disposition of the people to strengthen the Confederation preserve public faith, regulate trade, and in a proper guard over continental magazines and frontier posts, in a general system of militia, in foreseeing attention to the navy, to ensure every kind of safety. May this immense temple of freedom ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind! and may these happy United States attain that complete splendour and prosperity which will illustrate the blessings of their government, and for ages to come rejoice the departed souls of its founders.

However unwilling to trespass on your time, I must yet present you with grateful thanks for the late favours of Congress, and never can they oblige me so much as when they put it in my power, in every part of the world, to the latest day of my life, to gratify the attachment which will ever rank me among the most zealous and respectful servants of the United States.”¹

TUESDAY, DECEMBER 14, 1784.

Congress assembled: Present, eight states as yesterday; and from the State of New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [William] Ellery; from Connecticut, Mr. [Joseph Platt] Cook, and from Delaware, Mr. [John] Vining.

According to order, Congress proceeded to the election of three commissioners to constitute the Board of Treasury, but not coming to a choice,

Ordered, That the election be postponed till Tuesday next.

On motion of Mr. Jay, seconded by Mr. Gerry,

Resolved unanimously, Eight states only being represented, That his excellency the President inform the minister plenipotentiary of the United States at the court of France, that it is the desire ~~but not the instruction~~ of Congress, in case the convention proposed for regulating and ascertaining the powers and privileges of consuls should not be already signed, that he delay

¹ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 19, II, folio 259, Lafayette's letter being on folio 263. The letter was also entered in the manuscript Secret Journal, Foreign Affairs.

Another letter of December 12, 1784, from the Marquis Lafayette was read on this or an approximate date. It is in No. 35, folio 93.

On this day, as the indorsement indicates, a letter of December 8, 1784, of Major Laurens Olivier was referred to Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Richard Dobbs] Spaight. It is in No. 35, folio 141.

Also, on this or an approximate date, a petition from Jean Menard. It is in No. 35, folio 157. A note on folio 163 in William Ellery's writing says: "Menard's petition should be referred to the Committee who may be appointed to examine the accounts of Canadians."

signing it until he shall receive further instructions on the subject from Congress.¹

WEDNESDAY, DECEMBER 15, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Abiel] Foster; and from C[onnecticut], Mr. [Joseph Platt] Cook.

On the report of a committee, consisting of Mr. R[obert] R. Livingston, Mr. [Samuel] Hardy and Mr. [Elbridge] Gerry, on the department of foreign affairs,

The Committee to whom was referred "Regulations in the office for Foreign affairs," humbly Report,

That a Resolution passed the 22nd Feby., 1782, empowered the Secretary for foreign affairs to appoint an Under Secretary and one or more clerks; that in the opinion of your Committee this power implies a right to remove them or either of them at his discretion.

That your Committee conceive this right to appoint and remove the Under Secretaries and clerks, that he may find it necessary to employ, has not been revoked by any subsequent act of Congress, and that it was in no wise affected by the resolution of the 3rd Feby. last for the appointment of an under Secretary to take charge of the papers of the Department until the farther order of Congress.

That your Committee are farther of opinion that a reasonable allowance should be made to the Gentleman who may preside over

¹ This motion, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 36, II, folio 479. It was entered only in the manuscript Secret Journal, Foreign Affairs, in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

On this day, as the indorsement states, was read a letter, dated North Carolina, November 27, 1784, from Alexander Martin, Governor of North Carolina. It is in the *Papers of the Continental Congress*, No. 72, folio 177.

Also, a letter of December 10, from William Duer.

Also, a letter of September 17, from Thomas Barclay, was referred to Mr. [John] Jay, Mr. [Elbridge] Gerry, Mr. [James] Monroe, Mr. [Samuel] Hardy, and Mr. [Hugh] Williamson. The indorsement continues: "Authorized and instructed to revise the plan of a convention of the consulate proposed to the court of Versailles and report thereon." It is in No. 137, appendix, folio 369.

this important Department, as a compensation for his services beyond what his dignified station may require him to expend. That Congress in distinguishing between the sums given as a reward for his services and those intended for the support of the office will free him from embarrassments, which he cannot but feel, when he is at a loss to determine whether his own sentiments on this head conform to those of Congress.

Your Committee therefore submit the following Resolutions:

Resolved, That the Resolution of the 3rd February, 1784 for the appointment of an under Secretary in the Department of Foreign Affairs to take charge of the papers, and the appointment in consequence thereof, continue in force no longer than until a Secretary to the United States for the Department of Foreign Affairs take the oaths and enter upon the execution of his Office.¹

Resolved, 2nd That one thousand dollars a year be paid to the Secretary of the United States for the Department of Foreign Affairs as a compensation for his services in that Department beyond the Salary of 4000 dollars, settled on him by the Resolution of the 22nd Feby. 1782, which Congress conceive it may be necessary for him to expend in support and maintenance of his office.²

On the report of a committee, consisting of Mr. [James] Monroe, Mr. [Charles] Pinckney and Mr. [William Churchill] Houstoun, to whom was referred a note from Mr. de Marbois, chargé des affaires of France, accompanied with a letter from Don Francisco Rendon, agent of the Court of Madrid, and an extract of a letter from Don J. Galvez, minister of his Catholick Majesty, touching the limits of Louisiana, and the Floridas, and the navigation of the Mississippi—

¹ This resolution was entered in both the public Journal and the manuscript Secret Journal, Foreign Affairs. The proceedings for the rest of the day were entered only in the Secret Journal, Foreign Affairs, and in Secret Journal, No. 4, and in Secret Journal, No. 6, Vol. III.

² This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 25, II, folio 395.

Resolved, That the Secretary for foreign affairs be instructed to inform Mr. de Marbois, chargé des affaires of France, that the United States in Congress assembled have received his note of the 19th of November, with the papers enclosed, and are happy in the assurance given that his Most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholick Majesty and the United States; and they flatter themselves that their disposition and endeavours to cultivate the friendship of the Catholick King will produce the desired effect.

That Congress have a high confidence in the justice of his Catholick Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.¹

TRANSLATIONS.

PHILADELPHIA, *November 19, 1784.*

The undersigned, chargé des affaires of France, has the honour to present to Congress a letter of Don Francisco Rendon, agent of the Court of Madrid. This letter, and the extract accompanying it, relate to the limits of Louisiana and the Floridas, as well as to the navigation of the Mississippi. The undersigned has the honour to assure Congress, that the King will see with great pleasure every measure which shall be taken to consolidate and maintain a good understanding between his Catholick Majesty and the United States.

(Signed) DE MARBOIS.

¹ These resolutions, the first in the writing of James Monroe, the second in that of William Churchill Houston, are in the *Papers of the Continental Congress*, No. 25, II, folios 391 and 393.

December, 1784

689

[Rendon's letter.]

PHILADELPHIA, *November 16, 1784.*

SIR,

I have the honour to communicate to your Excellency an extract of a letter which I have lately received from Don Joseph de Galvez, Minister of his Catholick Majesty for the department of the Indies. I beg you will be pleased to lay it before Congress, and communicate the contents to the governours and presidents of the several states. His Majesty is persuaded that Congress will admit the justice of a claim which is founded on all the rights which an entire conquest and an uninterrupted possession can give to any power; and that they will agree that the cession of the navigation of the Mississippi, made by the King of Great Britain to the United States in the treaty of 1783, can have no real force unless the Catholick King, my master, to whom the navigation of that river belongs, shall think proper to ratify it. I see with pleasure by the contents of the extract enclosed, that there is a probability that Spain and the United States will very soon confirm, by a solid and durable treaty, that friendship which has already for several years subsisted between the two nations. I hope that all objects, about which there is any doubt, will then be settled and terminated to the mutual satisfaction of his Majesty and Congress.

I have the honour to be with respect, Sir, your most obedient and most humble servant,

(Signed) FRANCISCO RENDON.

His Excellency
the President of Congress.

[Extract from De Galvez's letter.]

ARANJUES, *June 26, 1784.*

“Until the limits of Louisiana and the two Floridas shall be settled and determined with the United States of America, his Majesty commands that you should give the states and Congress to understand that they are not to expose to process and confiscation the vessels which they destine to carry on commerce on the River Mississippi, inasmuch as a treaty concluded between the United States and England, on which the former ground their pretensions to the navigation of that river, could not fix limits in a territory which that power did not possess, the two borders of the river being already conquered and possessed by our arms the day the treaty was made, namely, the 30th November, 1782. This order I communicate to you that you may conform yourself thereto.

(Signed) JOSEPH DE GALVEZ.¹

THURSDAY, DECEMBER 16, 1784.

Congress assembled: Present as yesterday.

²On the report of a committee, consisting of Mr. [John] Jay, Mr. [Joseph] Gardner and Mr. [William] Ellery, to whom was referred a note from the chargé des affaires of his Most Christian Majesty, dated the 1 December, 1784, respecting delays and difficulties complained of by French agents, in settling their accounts in this country;

Resolved, That copies of the said note be immediately sent to the different states; and that it be recommended to them

¹ On this or an approximate date was read a petition dated December 15, 1784, of Andrew Pepin. It is in the *Papers of the Continental Congress*, No. 42, VI, folio 290. Also a letter of December 14 from William Paca. It is in No. 78, XXIV, folio 495.

² From this point the proceedings for the day were also entered in the manuscript Secret Journal, Foreign Affairs, No. 5.

to pass such remedial laws on the subject as their respective constitutions may permit; and that a copy of this resolution be transmitted to the said chargé des affaires.¹

² On the report of a committee, consisting of Mr. [John] Jay, Mr. [Joseph] Gardner and Mr. [William] Ellery, to whom was referred a note from the chargé des affaires of his Most Christian Majesty, dated 7 December, 1784, respecting the demands of the heirs of three French officers who died in the American service,

Resolved, That the various and important objects of national concern which at present engage the attention of Congress, will not permit them to examine and ascertain the facts on which the propriety of the demands in question must be decided, and therefore that the ~~said chargé des affaires be informed that Congress will, in a few days proceed to appoint a Secretary at War, and that they will order him~~ same be referred to the paymaster general, with orders to examine and ascertain the justice of the said demands with all possible expedition, and report thereon to Congress.³

On the report of a committee, consisting of Mr. [John] Jay, Mr. [Joseph] Gardner and Mr. [William] Ellery, to whom was referred a note from the chargé des affaires of his Most Christian Majesty, respecting monies advanced for refitting the American frigate *Confederacy*.

~~*Resolved*, That the said Chargé des affaires be informed that Congress are about appointing Commissioners for the~~

¹ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 25, II, folio 399. The Committee Book gives the committee as [Gunning] Bedford, [John] Jay and [Rufus] King.

² From this point the proceedings for the day were also entered in the manuscript Secret Journal, Foreign Affairs, No. 5.

³ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 25, II, folio 401. The Committee Book and the indorsement give the committee as [Gunning] Bedford, [John] Jay and [Rufus] King.

~~Treasury, and that they will be said note be referred to the commissioner for settling accounts in the marine department; and that he be ordered to audit the said accounts and report thereon to Congress without delay.~~¹

On the report of the committee, consisting of Mr. [John] Jay, Mr. [Joseph] Gardner and Mr. [William] Ellery, to whom was referred a letter of 18 June, 1784, from Colonel Fleury, respecting certain demands on account of his services during the late war;

Resolved, That the said letter be referred to ~~the Secretary of War as soon as that officer shall be appointed~~ the paymaster general with orders to liquidate and ascertain the accounts and demands of Colonel Fleury, against the United States, and report thereon to Congress. And that the secretary of Congress do give notice of this resolution to Mr. de Marbois, whom the Colonel mentions as having his procuration in this business.²

The Committee [Mr. John Jay, Mr. Joseph Gardner and Mr. William Ellery] to whom was referred the petition of Mon^r. Barré for promotion in the navy—Report,

That, in their opinion, it would be advisable to postpone a decision on M^r Barre's request until Congress shall arrange and organize that department, and *then* that the said petition be referred to the Commissioner or Commissioners who may be appointed to superintend it.³

¹ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 25, II, folio 401. The indorsement, and Committee Book, No. 186, give the committee as [Gunning] Bedford, [John] Jay and [Rufus] King.

² This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 25, II, folio 403. Fleury's letter is in No. 78, VIII, folio 535.

³ This report, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 19, I, folio 223. The indorsement states that it was presented on this day and postponed.

On this day, as the indorsement indicates, was read a letter of December 13 from Major William North. It is in No. 78, XVII, folio 147. Committee Book, No. 186, says it was referred to Mr. [James] Monroe, Mr. [Robert] R. Livingston and Mr. [John] Beatty and that the Committee was discharged February 14. 1785, and the letter referred to the Committee of seven of Febru-

FRIDAY, DECEMBER 17, 1784.

Congress assembled: Present as yesterday.

Congress proceeded to the election of two chaplains to Congress, and, the ballots being taken, the Rev. Daniel Jones was elected, having been previously nominated by Mr. [William] Gibbons.

Ordered, That the election of another chaplain be postponed till Tuesday next.¹

The committee, consisting of Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [William] Houstoun, Mr. [John] Jay, Mr. [Gunning] Bedford, Mr. [Samuel] Hardy Mr. [Elbridge] Gerry, to whom was referred a note of the 19 November from Mr. De Marbois *Chargé des affaires* of France, having reported thereon, and the report being amended to read as follows:

Resolved, That it is necessary a minister be commissioned to represent the United States at the Court of Madrid, for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi, and other matters highly interesting to the peace and good understanding which ought to subsist between them.

When the question was about to be put, a division was called for; and on the question to agree to the first part as far as "Court of Madrid," inclusive, the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

ary 1, 1785. The indorsement gives the Committee as ~~Mr. Monroe~~, Mr. R[obert] Livingston, Mr. [John] Beatty, Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Elbridge] Gerry, Mr. [William] Henry and Mr. [Rufus] King.

¹ From this point the proceedings for the day were entered only in the manuscript Secret Journal, Foreign Affairs No. 5 and in Secret Journal, No. 4. The entries in each differ in words but not in sense.

| | | | | | |
|-----------------------|----|------|------------------------|----|--------|
| <i>New Hampshire,</i> | | | <i>Virginia,</i> | | |
| Mr. Foster, | no | } * | Mr. Hardy, | ay | } ay |
| <i>Massachusetts,</i> | | | Monroe, | ay | |
| Mr. Holten, | ay | } ay | Mercer, | ay | |
| Partridge, | ay | | R. H. Lee, | ay | |
| <i>Rhode Island,</i> | | | <i>North Carolina,</i> | | } div. |
| Mr. Ellery, | no | } no | Mr. Williamson, | no | |
| Howell, | no | | Spaight, | ay | |
| <i>New York,</i> | | | <i>South Carolina,</i> | | } ay |
| Mr. Jay, | ay | } ay | Mr. Bull, | ay | |
| Benson, | ay | | Pinckney, | ay | |
| <i>New Jersey,</i> | | | <i>Georgia,</i> | | } ay |
| Mr. Dick, | ay | } ay | Mr. Houstoun, | ay | |
| Stewart, | ay | | Gibbons, | ay | |
| <i>Pennsylvania,</i> | | | | | |
| Mr. Gardner, | ay | } ay | | | |
| Henry, | ay | | | | |

So it was

Resolved, That it is necessary that a Minister be commissioned to represent the United States at the Court of Madrid.

~~Mr. [David] Howell, having asked and with unanimous consent obtained leave to change his No on the last question into Ay, and the alteration being made the report was agreed to as follows~~

On the question to agree to the latter clause, viz. "for the purpose," &c. to the end, the yeas and nays being required by Mr. [William] Ellery—

| | | | | | |
|-----------------------|----|------|----------------------|----|------|
| <i>Massachusetts,</i> | | | <i>New Jersey,</i> | | |
| Mr. Holten, | ay | } ay | Mr. Houston, | ay | } ay |
| Partridge, | ay | | Dick, | ay | |
| <i>Rhode Island,</i> | | | Stewart, | ay | |
| Mr. Ellery, | ay | } ay | <i>Pennsylvania,</i> | | } ay |
| Howell, | ay | | Mr. Gardner, | ay | |
| <i>New York,</i> | | | Henry, | ay | |
| Mr. Jay, | ay | } ay | | | |
| Benson, | ay | | | | |

| | | | | | | | | |
|------------------------|----|------|--|------------------------|----|------|------|--|
| <i>Virginia,</i> | | | | <i>South Carolina,</i> | | | | |
| Mr. Hardy, | ay | } ay | | Mr. Bull, | ay | } ay | | |
| Monroe, | ay | | | Pinckney, | ay | | | |
| Mercer, | ay | | | <i>Georgia,</i> | | | } ay | |
| Lee, | ay | | | Mr. Houstoun, | ay | | | |
| <i>North Carolina,</i> | | | | Gibbons, | ay | | | |
| Mr. Williamson, | ay | } ay | | | | | | |
| Spaight, | ay | | | | | | | |

So ~~the question was lost~~ it was resolved in the affirmative.

On motion of Mr. [William] Houstoun, seconded by Mr. [Richard Dobbs] Spaight,

Resolved, That Wednesday next be assigned for the election of a minister to represent the United States at the Court of Madrid.

On motion of Mr. [Egbert] Benson, seconded by Mr. [Richard Dobbs] Spaight,

Ordered, That the committee who brought in the report prepare a draught of Instructions to the minister to represent the United States at the Court of Madrid.¹

MONDAY, DECEMBER 20, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New York, New Jersey, Pensylvania, Virginia, North Carolina, South Carolina, and Georgia; and from the State

¹ On this day, as the indorsement states, was read a letter of December 16 from Daniel Jones. It is in No. 78, XIII, folio 317.

Also, a letter of December 16 from Major William North and referred to Mr. [William] Ellery, Mr. [David] Howell and Mr. [Hugh] Williamson. Committee Book, No. 186, says a report was made March 7, 1785.

Also, a letter of ——— from Lieutenant Jaque Jolibois was referred to Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Richard Dobbs] Spaight. It is in No. 35, folio 143.

Also, a petition of Timothy Divine was referred to Mr. [Egbert] Benson, Mr. [Gunning] Bedford and Mr. [John Francis] Mercer on December 11; the Committee was discharged December 17 and on that day the petition was referred to Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Richard Dobbs] Spaight. It is in No. 35, folio 151.

of New Hampshire, Mr. [Abiel] Foster, and for Connecticut, Mr. [Joseph Platt] Cook.

On motion of Mr. [David] Howell, seconded by Mr. [John] Jay,

Resolved, That it is expedient the Congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

~~And that a sum not exceeding dollars be and they are hereby appropriated for the payment of the expence of erecting such buildings.~~

~~*Resolved* that said buildings shall be erected at¹~~

Resolved, (by nine states,) That a sum not exceeding one hundred thousand dollars be appropriated for the payment of the expence of erecting such buildings; provided always, that hotels or dwelling-houses for the members of Congress representing the different states, shall not be understood as included in the above appropriation.²

Resolved, That it is inexpedient for Congress at this time to erect ~~more than one federal town~~ public buildings for their accommodation at more than one place.³

The Committee [Mr. Egbert Benson, Mr. Gunning Bedford and Mr. John Francis Mercer] to whom was referred the petition of Francis Lewis and John Alsop report the following order,

Ordered, That the petition of Francis Lewis and John Alsop be referred to the Commissioners of the Treasury and that the said Commissioners as soon as any two of them shall have entered on the Execution of their office transmit a copy of this order to the

¹ This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 485.

² This paragraph, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 477.

³ This paragraph, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, II, folio 483.

said petitioners to the end that the said petitioners may attend the Board of Treasury and be heard touching the said petition.¹

TUESDAY, DECEMBER 21, 1784.

Congress assembled: Present as yesterday.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [John] Jay,

That it is expedient Congress should determine on a place, at which they will continue to sit until proper accommodations in a federal town shall be erected, and that the subsisting resolutions respecting the alternate temporary residence of Congress at Trenton and Annapolis, be repealed.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the latter part, viz. And that the subsisting resolutions, &c. to the end.

And on the question, shall the words moved to be struck out, stand the yeas and nays being required by Mr. [Richard Dobbs] Spaight,

| | | | | | |
|-----------------------|----|-----------------|------------------------|----|--------|
| <i>Massachusetts,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Gerry, | no | } no | Mr. Gardner, | ay | } div. |
| Holten, | no | | Henry, | no | |
| Partridge, | no | | <i>Virginia,</i> | | } ay |
| King, | no | | Mr. Hardy, | ay | |
| <i>Rhode Island,</i> | | Mercer, | ay | | |
| Mr. Ellery, | no | } no | Lee, | ay | |
| Howell, | no | | <i>North Carolina,</i> | | } ay |
| <i>New York,</i> | | Mr. Williamson, | ay | | |
| Mr. Jay, | ay | } ay | Spaight, | ay | |
| Benson, | ay | | <i>South Carolina,</i> | | } ay |
| <i>New Jersey,</i> | | Mr. Read, | ay | | |
| Mr. Houston, | no | } no | Bull, | ay | |
| Dick, | no | | Pinckney, | ay | |
| Stewart, | no | | <i>Georgia,</i> | | } ay |
| | | Mr. Houstoun, | ay | | |
| | | | Gibbons, | ay | |

¹ This report, in the writing of Egbert Benson, is in the *Papers of the Continental Congress*, No. 19, III, folio 549. The indorsement states that it was read on this day. The petition is in No. 41, V, folio 337.

On this day, as the indorsement states, was read a letter of December 10, from Matthew Griswold, Governor of Connecticut. It is in No. 66, II, folio 290.

So the question was lost, and the words were struck out. Questions being put on the former part, it was

Resolved, That it is expedient Congress should determine on a place at which they will continue to sit, until public buildings for their proper accommodations ~~in a federal town~~ shall be erected.

[Motion, Tuesday 21st, Dec. 1784.]

Resolved, That Congress will not adjourn from this place until they shall have named the place near the falls of Trenton at which the federal buildings mentioned in the resolution of yesterday shall be fixed and ascertained and Commissioners for erecting the same be appointed.¹

Mr. [John] Jay, Mr. [Elbridge] Gerry to postpone to take up foregoing.

WEDNESDAY, DECEMBER 22, 1784.

Congress assembled: Present as yesterday.

Congress proceeded to the election of three commissioners to constitute the Board of Treasury, but not agreeing in a choice,

Ordered, That the election be postponed till Friday next.

The Committee of the Week [Mr. Egbert Benson, Mr. Samuel Dick and Mr. George Partridge] report that the petition of Captain Paschke a deputy quartermaster praying for the grant of 300 dollars to enable him to return to his native country be referred to the consideration of a committee.²

¹ This motion, in the writing of John Jay, is in the *Papers of the Continental Congress*, No. 36, II, folio 487.

² This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 198. Paschke's petition, dated October 30, was read this day and is on folio 194. It was referred January 24, 1785, to Mr. [David] Howell, Mr. [Jacob] Read and Mr. [James] McHenry, as the indorsement states.

On this day, according to the indorsement, a letter of December 19, from Joseph Carleton was referred to Mr. [Jacob] Read, Mr. [Samuel] Holten and Mr. [James] Monroe. Committee Book, No. 186, states that the committee was renewed March 14, 1785.

Also, a letter of December 21 from Joseph Carleton was referred to the same committee.

The Committee consisting of [M^r Hugh Williamson, M^r William Ellery, M^r William Gibbons] to whom was referred a letter from Edward Fox, Commissioner of accounts enclosing a letter from John Brown Cutting, late Apothecary General, with sundry depositions requesting that his accounts may be settled according to his own statement without any vouchers and that a balance may be paid him, beg leave to report,

That M^r Cutting as appears from his letter compared with sundry affidavits began about six months ago at Easton on the Delaware to prepare his accounts for examination. For this purpose he numbered his vouchers and took them out of the books in which they had been formerly secured and laid those detached pieces into a box in bulk to be taken to Philadelphia. That he caused the box to be carried from his lodgings to a small ferry boat on the river. That as he was crossing the river the box fell into the water by the boat accidentally heeling. That the box was pursued and taken up and within a few minutes was carried back to M^r Cutting's lodging where it was opened in the presence of several persons who affirm that the papers it contained were illegible, tender and soaked to pieces so that nothing could be made out of them. Though two of the witnesses have declared that the box when opened seemed to contain receipts and accounts of medicine and though it is alledged by M^r Cutting that most of the parcels were generally composed of old thin paper yet your Committee have no proof that all the requisite vouchers had ever been put into that box nor can they possibly conceive how papers put into a box in good order should in a few minutes without external violence be soaked to pieces so that they could not be of use in substantiating the different charges brought against the U. S.

Your Committee are therefore of opinion that the proposed mode of settling accounts would deprive the U. S. of any kind of security against impositions.¹

THURSDAY, DECEMBER 23, 1784.

Congress assembled: Present as yesterday.

An ordinance for carrying into execution the resolutions of the 20 instant, and for fixing upon a place for the residence

¹This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, I, folio 623. The indorsement shows that it was read on this day and passed February 7, 1785.

of Congress, until suitable buildings shall be erected for their accommodation, being moved by Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell, and ~~the same being~~ read a first time,

On the question,

Resolved, That it be taken up for a second reading.

Agreeable to order, the ordinance being taken up for a second reading, and the following paragraph being under debate: "That for this purpose three commissioners be appointed with full powers to lay out a district of not less than two nor exceeding three miles square, *on* the banks of either side of the Delaware, not lower than Lambertton, nor more than six miles above it, for a fœderal town."

A motion was made by Mr. [Samuel] Hardy, seconded by Mr. [James] Monroe, to strike out the words, "on the banks of either side of the Delaware, not lower than Lambertton, nor more than six miles above it;" and in lieu thereof to insert, "at Georgetown, on the Potomac."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Samuel] Hardy,

| | | | | | |
|------------------------|----|------------|-------------------------|----|------|
| <i>Massachusetts</i> , | | | <i>Pennsylvania</i> , | | |
| Mr. Gerry, | no | } no | Mr. Gardner, | no | } no |
| Holten, | no | | Henry, | no | |
| Partridge, | no | | <i>Virginia</i> , | | } ay |
| King, | no | | Mr. Hardy, | ay | |
| <i>Rhode Island</i> , | | Monroe, | ay | | |
| Mr. Ellery, | no | Mercer, | ay | | |
| Howell, | no | R. H. Lee, | ay | | |
| <i>New York</i> , | | } no | <i>North Carolina</i> , | | } * |
| Mr. R. R. Livingston, | no | | Mr. Spaight, | no | |
| Benson, | no | | <i>South Carolina</i> , | | } no |
| W. Livingston, | no | Mr. Read, | no | | |
| <i>New Jersey</i> , | | } no | Pinckney, | no | |
| Mr. Houston, | no | | <i>Georgia</i> , | | } no |
| Dick, | no | | Mr. Houstoun, | no | |
| Stewart, | no | Gibbons, | no | | |

So it passed in the negative.

Sundry amendments being made, when the following paragraph was under debate, viz.

“That on the day of next, Congress stand adjourned to meet at on the day of following, for the despatch of public business; and that the sessions of Congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception.”

A motion was made by Mr. [William Churchill] Houston, seconded by Mr. [David] Howell, to strike out the words, “That on the day of next, Congress stand adjourned to meet at on the day of following, and that the sessions of Congress be held at the place last mentioned,” and in lieu thereof insert, “And that Congress shall continue to hold their sessions at Trenton.”

And on the question to agree to this, the yeas and nays being required by Mr. [William Churchill] Houston,

| | | | | | |
|-----------------------|----|--------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | ay | } | Mr. Gardner, | no | } no |
| <i>Massachusetts,</i> | | | Henry, | no | |
| Mr. Gerry, | no | } div. | <i>Virginia,</i> | | } no |
| Holten, | ay | | Mr. Hardy, | no | |
| Partridge, | ay | | Monroe, | no | |
| King, | no | | Mercer, | no | |
| <i>Rhode Island,</i> | | | Lee, | no | |
| Mr. Ellery, | ay | } ay | <i>North Carolina,</i> | | } no |
| Howell, | ay | | Mr. Williamson, | no | |
| <i>New York,</i> | | | Spaight, | no | |
| Mr. R. R. Livingston, | no | } no | <i>South Carolina,</i> | | } no |
| Benson, | no | | Mr. Read, | no | |
| W. Livingston, | no | | Bull, | no | |
| <i>New Jersey,</i> | | | Pickney, | no | |
| Mr. Houston, | ay | } ay | <i>Georgia,</i> | | } no |
| Dick, | ay | | Mr. Houstoun, | no | |
| Stewart, | no | | Gibbons, | no | |

So it passed in the negative.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [Richard Dobbs] Spaight, to fill up the blank after "meet at," with the word "Philadelphia." And on the question to agree to this, the yeas and nays being required by Mr. [Joseph] Gardner,

| | | | | | |
|-----------------------|---------------|------|------------------------|----|------|
| <i>New Hampshire,</i> | | | <i>Pennsylvania,</i> | | |
| Mr. Foster, | no | * | Mr. Gardner, | ay | } ay |
| <i>Massachusetts,</i> | | | Henry, | ay | |
| Mr. Gerry, | no | } no | <i>Virginia,</i> | | } ay |
| Holten, | no | | Mr. Hardy, | ay | |
| Partridge, | no | | Monroe, | ay | |
| King, | no | | Mercer, | ay | |
| <i>Rhode Island,</i> | | | R. H. Lee, | ay | } ay |
| Mr. Ellery, | no | } no | <i>North Carolina,</i> | | |
| Howell, | no | | Mr. Williamson, | ay | } ay |
| <i>Connecticut,</i> | | | Spaight, | ay | |
| Mr. Cook, | no | * | <i>South Carolina,</i> | | } ay |
| <i>New York,</i> | | | Mr. Read, | ay | |
| Mr. R. R. Livingston, | no | } no | Bull, | ay | |
| Benson, | no | | Pinckney, | ay | |
| W. Livingston, | no | | <i>Georgia,</i> | | } ay |
| Cook, | no | | Mr. Houstoun, | ay | |
| <i>New Jersey,</i> | | | Gibbons, | ay | |
| Mr. Houston, | no | } no | | | |
| Dick, | no | | | | |
| Stewart, | no | | | | |

So the question was lost.

A motion was then made by Mr. [William] Ellery, seconded by Mr. [David] Howell, to fill the blank with the words "city of Newport in the state of Rhode Island and Providence Plantations." And on the question to agree to this, the yeas and nays being required by Mr. [William] Ellery.

| | | | | | | | | | |
|-----------------------|----|---------------|----|------------------------|----|---|------|--|--|
| <i>New Hampshire,</i> | | | | <i>Pennsylvania,</i> | | | | | |
| Mr. Foster, | no | } | * | Mr. Gardner, | no | } | no | | |
| <i>Massachusetts,</i> | | | | Henry, | no | | | | |
| Mr. Gerry, | no | } | no | <i>Virginia,</i> | | } | no | | |
| Holten, | no | | | Mr. Hardy, | no | | | | |
| Partridge, | no | | | Monroe, | no | | | | |
| King, | no | | | Mercer, | no | | | | |
| <i>Rhode Island,</i> | | | | Lee, | no | | | | |
| Mr. Ellery, | ay | } | ay | <i>North Carolina,</i> | | } | no | | |
| Howell, | ay | | | Mr. Williamson, | no | | | | |
| <i>Connecticut,</i> | | | | Spaight, | no | | | | |
| Mr. Cook, | no | } | * | <i>South Carolina,</i> | | } | no | | |
| <i>New York,</i> | | | | Mr. Read, | no | | | | |
| Mr. R. R. Livingston, | no | } | no | Bull, | no | } | no | | |
| Benson, | no | | | Pinckney, | no | | | | |
| W. Livingston, | no | | | | | | | | |
| Cook, | no | | | <i>Georgia,</i> | | } | div. | | |
| <i>New Jersey,</i> | | Mr. Houstoun, | no | | | | | | |
| Mr. Houston, | no | } | no | Gibbons, | ay | | | | |
| Dick, | no | | | | | | | | |
| Stewart, | no | | | | | | | | |

So it passed in the negative.

A motion was made by Mr. [David] Howell, seconded by Mr. [Richard Dobbs] Spaight, to fill the blank with "the city of New York." And on the question to agree to this, the yeas and nays being required by Mr. [David] Howell,

| | | | | | | | | | |
|-----------------------|----|---|----|-----------------------|----|--------------|----|---|----|
| <i>New Hampshire,</i> | | | | <i>New York,</i> | | | | | |
| Mr. Foster, | ay | } | * | Mr. R. R. Livingston, | ay | } | ay | | |
| <i>Massachusetts,</i> | | | | Benson, | ay | | | | |
| Mr. Gerry, | ay | } | ay | W. Livingston, | ay | | | | |
| Holten, | ay | | | <i>New Jersey,</i> | | Mr. Houston, | ay | } | ay |
| Partridge, | ay | | | Mr. Houston, | ay | | | | |
| King, | ay | | | Dick, | ay | | | | |
| <i>Rhode Island,</i> | | | | Stewart, | ay | | | | |
| Mr. Ellery, | ay | } | ay | <i>Pennsylvania,</i> | | } | no | | |
| Howell, | ay | | | Mr. Gardner, | no | | | | |
| | | | | Henry, | no | | | | |

| | | | | | |
|------------------------|----|---------------|------------------------|----|--------|
| <i>Virginia,</i> | | | <i>South Carolina,</i> | | |
| Mr. Hardy, | ay | } ay | Mr. Read, | no | } ay |
| Monroe, | ay | | Bull, | ay | |
| Mercer, | ay | | Pinckney, | ay | |
| Lee, | ay | | <i>Georgia,</i> | | } div. |
| <i>North Carolina,</i> | | Mr. Houstoun, | no | | |
| Mr. Williamson, | ay | Gibbons, | ay | | |
| Spaight, | ay | | | | |

So it was resolved in the affirmative.

The other blanks being filled,

Ordered, That the ordinance be read a third time.

The ordinance being accordingly read a third time, was agreed to as follows:

Be it ordained by the United States in Congress assembled, that the resolutions of the 20th instant respecting the erecting buildings for the use of Congress, be carried into effect without delay; that for this purpose, three commissioners be appointed, with full powers to lay out a district, of not less than two nor exceeding three miles square, on the banks of either side of the Delaware, not more than eight miles above or below the lower falls thereof, for a fœderal town; that they be authorised to purchase the soil, or such part of it as they may judge necessary, to be paid at proper instalments; to enter into contracts for erecting and completing, in an elegant manner, a fœderal house for the accommodation of Congress, and for the executive officers thereof; a house for the use of the President of Congress, and suitable buildings for the residence of the Secretary of Foreign Affairs, Secretary at War, Secretary of Congress, Secretary of the Marine, and officers of the Treasury; that the said commissioners be empowered to draw on the treasury of the United States for a sum not exceeding one hundred thousand dollars, for the purpose aforesaid; that in choosing a situation for the buildings, due regard be had to the accommodation of the states, with lots for houses for the use of their delegates respectively; that on the 24th day of December instant Congress stand adjourned to meet at the city of New York, on the eleventh Day of January following, for the dispatch of public business, and that the sessions of Congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception. Done, &c.

Resolved, That the President draw an order on the treasurer for five hundred dollars, in favor of the Secretary of Congress, for contingent expences, he to be accountable.

[Report of M^r. James Monroe, M^r. Charles Pinckney M^r. William Houstoun, M^r. John Jay, M^r. Gunning Bedford M^r. Samuel Hardy, M^r. Elbridge Gerry, Instructions to Minister to Represent United States at Madrid.]

SIR,

As you will be furnished with the instructions given your Predecessor M^r. Jay in his negotiations with the Court of Spain which fully investigate the right of the United States to the territory within their lines, and to the navigation of the Mississippi in virtue of their independence of Great Britain, and of the injustice of any claim founded on the part of Spain, upon conquest from Great Britain of the territory which belonged to them, it will be unnecessary to add any thing to what those instructions contain.

But if a claim founded on the principles of the revolution was questionable, the late treaties between Great Britain and the United States and Great Britain and Spain respectively have determined the bounds to which their respective rights extend. By the 2nd article of the treaty between Great Britain and the United States it is stipulated that the line which bounds the United States after it reaches the Mississippi shall extend "along the middle of the said river until it intersects the northermost part of the 31 degree of north latitude; thence south by a line to be drawn due East from the determination of the line last mentioned on the latitude of 31 degrees North of the Equator to the middle of the River Apalachicola or Latahouche; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's River to the Atlantic Ocean," and the 8th article stipulates that, "the navigation of the River Mississippi from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the U. S." If by the principles of the Revolution the United States had not already acquired the rights which these articles stipulate they remained of course in Great Britain; the Treaty of Paris in 1763 gave them to her, and she never relinquished them until the ~~as there-~~

fore, she had already ceded these points to the U. S. as one of the conditions of the peace. Treaty with the U. S. In her subsequent Treaty, therefore, with Spain, Great Britain could only convey what she retained, which could induce no restriction or qualification had she wished it on the right which had already accrued to the United States and the accession of Spain to a Treaty with her upon these conditions under which she now claims what she holds, must be considered as an acknowledgement of the right in the United States.

The Bounds, therefore, as limited in said treaty between Great Britain and the United States, with the right of the navigation of the Mississippi, from its source to the ocean, with those rights which appertain to that of navigation are in any treaty you may enter into, to be expressly stipulated to the United States without which indeed you are to enter into no treaty.¹

FRIDAY, DECEMBER 24, 1784.

Congress assembled: Present, Massachusetts, Rhode Island, New York, New Jersey, Pensylvania, Virginia, North Carolina and South Carolina; and from Georgia, Mr. [William] Houstoun.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Samuel] Holten, to whom was referred a petition of Mr. Ayot, with sundry papers accompanying the same, stating himself as having served as captain in the

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 25, II, folio 369. The indorsement and Committee Book, No. 186, show that it was read on this day. A note in Committee Book, No. 191, says: "filed being rendered unnecessary by arrival of Gardoqui and appointment of Mr. Jay to negotiate with him." See *post*, June 28, 1785.

On this day, as the indorsement states, was read a letter of December 20, from John Dickinson, President of Pennsylvania. It was referred to Mr. [Hugh] Williamson, Mr. [Joseph] Gardner, and Mr. R[obert] R. Livingston. On January 25, 1785, Mr. [Zephaniah] Platt was substituted for Livingston. The indorsement further states that the letter was reported on and January 28 referred to Mr. [Hugh] Williamson, Mr. [Archibald] Stewart and Mr. [Samuel] Hardy. It is in No. 69, II, folio 479.

Also, resolutions of the General Assembly of Pennsylvania offering the State House for the accommodation of Congress. It is in No. 46, folio 135.

service of the United States in Canada, and praying for a settlement of his accounts and compensation,

Resolved, That the said petition and papers be referred to the paymaster general, to settle the accounts of the petitioner against the United States, and if any difficulty should occur, to report specially.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Elbridge] Gerry,

~~Whereas it is essential to the interests of the federal government that the ordinance passed yesterday respecting the erection of federal buildings near the falls of the Delaware should be carried into execution as soon as possible~~

Resolved, That Congress will ~~immediately~~ proceed to the election of commissioners for carrying into execution the purposes mentioned in the Ordinance of yesterday, on the 13th of January next.¹

On motion of Mr. [David] Howell, seconded by Mr. [Rufus] King,

Resolved, That the President transmit to the executives of the several states, the Ordinance passed yesterday, and that it be also published.²

On motion of Mr. [Rufus] King, seconded by Mr. [David] Howell,

Resolved, That Congress entertain a due sense of the attention of the legislature of the State of New Jersey, in providing accommodations for their reception; and also of the exertions of the inhabitants of Trenton, in accomplishing the intentions of their legislature.³

¹ This report, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, II, folio 494.

² This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 457.

³ This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, II, folio 489.

On motion of Mr. [Rufus] King, seconded by Mr. [David] Howell, Congress came to the following resolution:

The delegates of Pennsylvania, having laid before Congress the resolves of their legislature, of the 27th day of November last,

Resolved, That Congress entertain a due sense of the attention of the Commonwealth of Pennsylvania, in offering to Congress the use of their public buildings in the City of Philadelphia, for their temporary residence.

On the report of a committee, consisting of Mr. [Richard Dobbs] Spaight, Mr. [Samuel] Holten and Mr. [William] Ellery, to whom was referred a petition of Alexander White, acting executor to the last will and testament of the late Major-General Lee,

The Committee consisting of M^r: [Richard Dobbs] Spaight, M^r: [Samuel] Holten, and M^r: [William] Ellery to whom was referred the Memorial of Alexander White acting executor to the last will and testament of the late Major General Charles Lee ~~praying that on the payment of the balance that may be due from the estate of the said General Lee to the United States that Robert Morris, Esqr., be authorized to release the estate of the said Lee from all assignments, deeds of conveyance, deeds of trust and other writings executed by the said General Lee or any person authorized by him for assigning to the said R. Morris the estate of the said General Lee or any part thereof for securing the payment of the sum of 30,000 dollars advanced to the said General Lee by Congress on 5th of October, 1776.~~

Report, That on the 5th day of October 1776, Congress resolved that the sum of 30,000 dollars be advanced to General Lee upon his giving bond to the treasurer to account for the same, and taking such steps in conjunction with Robert Morris Esq., on behalf of Congress as will secure the most effectual transfer of his estate in England to reimburse the Congress for the advance now made to him. That in consequence of the above Resolve the said General Lee did on the — day of October pass his bond to Michael Hillegas, Treasurer of the United States for the sum of 60,000 dollars for securing the payment of 30,000 dollars advanced him by Congress

and for the same purpose assigned over to Robert Morris Esq. as agent on the part of Congress his estates in England and Jamaica; that the Memorialist is now settling the accounts of the late Major General Lee with the U. S., which he hopes shortly to accomplish. Whereupon your Committee submit the following Resolve:

Resolved, That upon the payment of the balance which may appear due to the United States from the estate of the said General Lee, to the treasurer of the United States, Robert Morris, esq. be, and he is hereby authorised to release the estate of the said General Lee, from all assignments, deeds of conveyance, deeds of trust, and other writings made or executed by the said General Lee, or by any person authorised by him for assigning, conveying or assuring to the said R. Morris, the estate of the said General Lee, or any part thereof, for securing the payment of thirty thousand dollars advanced to him by Congress, pursuant to their resolution of the 5 day of October, 1776; and that the bond to Michael Hillegas, for the payment of the same, be cancelled and delivered up to Alexander White, executor to the said General Lee.¹

In pursuance of the resolution of the 10th day of this present month, December, the agents for the states of Massachusetts and New York, made report as follows:

“TO THE UNITED STATES IN CONGRESS ASSEMBLED.

We the underwritten agents of the Commonwealth of Massachusetts and the State of New York, do humbly certify, that in pursuance of the pleasure of Congress to us signified on the seventeenth day of December instant, we have agreed on the following gentlemen as commissioners to constitute a court for hearing and determining a dispute or controversy now subsisting between the said states, as set forth in the petition of the said Commonwealth, now on the files of Congress; that is to say, The Honorable Robert Hanson Harrison,

¹ This report, in the writing of Richard Dobbs Spaight, is in the *Papers of the Continental Congress*, No. 19, VI, folio 543. White's memorial is in No. 41, X, folio 605.

Esquire, of the State of Maryland; The Honorable Thomas Johnson, Esquire, of the said State; The Honorable John Rutledge, Esquire, of the State of South Carolina; The Honorable George Wythe, Esquire, of the State of Virginia; The Honorable William Grayson, Esquire, of the said State; The Honorable James Monroe, Esquire, of the said State; The Honorable George Read, Esquire, of the State of Delaware; The Honorable Isaac Smith, Esquire, of the State of New Jersey; and The Honorable William Patterson, Esquire, of the said State. And we the said agents do further certify, that it is mutually agreed between the parties, that if any one or more of the said gentlemen so named as commissioners, shall decline the said office, the vacancy shall be supplied by Congress, according to an agreement in writing of this date, signed and interchanged by us the said agents. And further, that any five of the said commissioners who shall finally accept the said office, shall be a quorum, according to the Confederation of the United States. And we do further humbly certify, that it is also mutually agreed between us, that the court for determining the said controversy, shall be holden at such place, as Congress by a vote of the majority of the states to be assembled, when the place for holding the said court is considered, shall appoint. Dated at Trenton, this 24 December, 1784.

| | | |
|--------------------|---|-----------------------------------|
| JOHN LOWELL, | } | Agents for Massachusetts. |
| JAMES SULLIVAN, | | |
| E. GERRY, | | |
| S. HOLTEN, | | |
| GEO. PARTRIDGE, | | |
| RUF. KING, | } | Agents for New York. ¹ |
| JAS. DUANE, | | |
| R. R. LIVINGSTON, | | |
| WALTER LIVINGSTON, | | |
| EGBT. BENSON, | | |

Adjourned to meet at the City of New York, on the 11 day of January next.¹

¹ The original of this certificate is in the *Papers of the Continental Congress* No. 67, II, folio 499.

A memorial from Captain Segond, is indorsed "Supposed to have been received in 1784." It is in the *Papers of the Continental Congress*, No. 41, IX, folios 241-248.

STANDING COMMITTEES

711

STANDING COMMITTEES

Committee of the States

Appointed to sit in the recess of Congress

| | | |
|---------------|--|---|
| 29 May, 1784. | For <i>New Hampshire,</i> <i>Massachusetts,</i> <i>Rhode Island,</i> <i>Connecticut,</i> <i>New York,</i> <i>New Jersey,</i> <i>Pennsylvania,</i> <i>Maryland,</i> <i>Virginia,</i> <i>North Carolina,</i> <i>South Carolina,</i> <i>Georgia,</i> | Jonathan Blanchard Francis Dana William Ellery Roger Sherman Charles DeWitt Samuel Dick Edward Hand Jeremiah Townley Chase Samuel Hardy Richard Dobbs Spaight Jacob Read William Houstoun attended and produced credentials. |
| 30 June, | | |

Standing Committee of Qualifications

| | | |
|--------------|-------|---|
| 26 February, | 1784. | Roger Sherman Thomas Jefferson John Beatty Jeremiah Townley Chase Hugh Williamson |
| 11 May, | 1784. | Roger Sherman John Beatty Jeremiah Townley Chase Hugh Williamson Elbridge Gerry |
| 2 December, | 1784. | Jacob Read Gunning Bedford John Beatty David Howell Samuel Hardy |

Committee of the Week

| | | |
|--------------|-------|---|
| 5 January, | 1784. | Richard Dobbs Spaight Edward Hand James Monroe |
| 12 January, | 1784. | Abiel Foster James Tilton Charles Morris |
| 19 January, | 1784. | No appointment is recorded for this week. |
| 26 January, | 1784. | John Montgomery. Richard Beresford Elbridge Gerry |
| 3 February, | 1784. | Edward Lloyd John Beatty David Howell |
| 10 February, | 1784. | Samuel Osgood John Montgomery James Monroe |
| 17 February, | 1784. | No appointment is recorded for this week. |
| 24 February, | 1784. | Samuel Hardy Abiel Foster James Tilton |
| 1 March, | 1784. | Jonathan Blanchard Samuel Dick James Wadsworth |
| 8 March, | 1784. | Gunning Bedford, Jr. David Howell Samuel Hardy |
| 15 March, | 1784. | Samuel Dick James Monroe George Partridge |
| 22 March, | 1784. | Jonathan Blanchard James Wadsworth John Beatty |
| 29 March, | 1784. | No appointment is recorded for this week. |
| 5 April, | 1784. | James McHenry Charles DeWitt Thomas Stone |

Standing Committees

715

| | | |
|--------------------|-------|--|
| 12 April, | 1784. | Jeremiah Townley Chase Ephraim Paine James Monroe |
| 19 April, | 1784. | Thomas Stone John Francis Mercer James Wadsworth |
| 26 April, | 1784. | Samuel Hardy Hugh Williamson Richard Dobbs Spaight |
| 3 May, | 1784. | Samuel Dick Edward Hand Jonathan Blanchard |
| 10 May, | 1784. | David Howell James Monroe Abiel Foster |
| 17 May, | 1784. | Richard Dobbs Spaight James Wadsworth George Partridge |
| 24 May, | 1784. | Richard Beresford John Stevens John Montgomery |
| 31 May, | 1784. | James McHenry Francis Dana Jacob Read No Congress, June 3 to November 30. |
| 30 November, | 1784. | Jacob Read William Henry Hugh Williamson |
| 6 December, | 1784. | Charles Pinckney Joseph Platt ^r Cook William Gibbons |
| 13 December, | 1784. | Abiel Foster Joseph Gardner Rufus King |
| 20 December, | 1784. | Egbert Benson Samuel Dick George Partridge |
| Congress adjourned | | December 24. |

BIBLIOGRAPHICAL NOTES

98814°—27—vol.27—23

717

BIBLIOGRAPHICAL NOTES

January 14.

Proclamation of Treaty with Great Britain.

424. By the United States in Congress assembled, /
A Proclamation. / / Annapolis: Printed by John Dunlap, Printer for the United States in Congress assembled. F°. Broadside.

Signed in ms. by Thomas Mifflin and Charles Thomson. Great Seal of the United States affixed. This copy is in the Library of Congress. It measures 53.4 x 42 cms.

It was reprinted in Newbern, North Carolina, by Robert Keith. A copy of this proclamation, March 1, 1784 is in the *Papers of the Continental Congress*, No. 76, folio 37.

January 14.

Restitution of Loyalist property.

425. By the United States in / Congress assembled, / January 14, 1784. 4°. Broadside.

Signed in ms. by Thomson. A copy is in the Library of Congress. It measures 26.8 x 21.6 cms.

March 1.

Government of Northwest Territory.

426. The Committee appointed to prepare a Plan for the temporary / Government of the Western Territory, have / agreed to the following Resolutions F°. I 1.

March 22.

Government of Northwest Territory.

427. The Committee to whom was recommitted the Report of a / Plan for a temporary Government of the Western Territory, have agreed to the following Resolutions. F°. Broadside.

A copy, with ms. changes conforming to the plan as agreed upon April 23, is in the Library of Congress, *Papers of the Continental Congress*, No. 30, folio 55. It measures 39.4 x 26.1 cms.

The Committee was Jefferson, Chase and Howell. It delivered a report March 1 (426 above); this report was recommitted March 17 and redelivered March 22, read on that day and March 24 assigned for its consideration. It was debated April 20-21 and agreed to April 23.

March 23.

Qualifications.

428. By the United States in / Congress assembled. / March 23, 1784. / On the report of the committee of qualifications, consisting of / Mr. Sherman, Mr. Jefferson, Mr. Beatty, Mr. Chase and Mr. Williamson,— F°. Broadside.

A copy is in the Library of Congress. It measures 32.5 x 20 cms.

April 5.

Report on Finance.

429. The Grand Committee, consisting of [blank] / appointed to prepare and report to Congress, the arrears of interest on the national / debt, together with the interest and expenses for the year 1784, from the first to the last / day thereof inclusive, and a requisition of money on the states for discharging the / same, have agreed to the following Report: F°. Broadside.

A copy is in the Library of Congress. It measures 52.4 x 41.6 cms.

The Committee consisted of Jefferson, Blanchard, Gerry, Howell, Sherman, DeWitt, Dick, Hand, Stone, Williamson and Read. See under April 27-29.

April 6.

Report on Western Posts.

430. The Committee consisting of Mr. Mercer, Mr. / Lee, Mr. Gerry, Mr. Howell and Mr. Paine, "appointed to consider of the measures proper to be adopted in order / to take possession of the frontier posts" beg leave to observe,—

F°. Broadside.

A copy is in the Library of Congress. *Papers of the Continental Congress*, No. 38, folio 393. It measures 47.2 x 40.7 cms. It is endorsed by Thomson: "Read April 6, 1784 Monday 12 assigned."

April 13.

Accounts with Pennsylvania.

431. The Committee consisting of Mr. Spaight, Mr. Gerry, Mr. Lee, / Mr. Beatty, and Mr. Sherman, to whom was referred a report of a committee on a re- / port of the superintendant of finance, dated the 5th of November, 1783, in answer to questions proposed by the commissioner for settling the accounts of the State of Penn- / sylvania with the United States: and also a report of a committee on the petition of James Smith, / Report. F°. Broadside.

A copy is in the Library of Congress. It measures 39.7 x 26.4 cms. It is indorsed by Thomson: "On Stelle's queries relative to settling accounts bet: U. S. & individual states. passed June 3, 1784."

April 19.

Representation in Congress.

432. On the report of a committee consisting of Mr. Gerry, Mr. / Sherman and Mr. Lee, to whom was referred a motion of Mr. / Gerry.
F°. pp. (2)

A copy signed in ms. by Chas. Thomson, is in the Library of Congress. It measures 32.5 x 20.1 cms. It forms the second part of the committee report of November 1, 1783, on the same subject.

April 22.

Report on Commercial Affairs.

433. The Committee to whom was referred sundry Letters / and Papers relative to Commercial Matters, submit the follow- / ing circular Letter and Resolves.
F°. Broadside.

A copy is in the Library of Congress. *Papers of the Continental Congress*, No. 19, V, folio 401. It measures 41.8 x 26 cms. The committee consisted of Gerry, Read, Williamson, Chase and Jefferson. See April 30.

April 23.

Land Office Ordinance.

See under May 20, 1785.

April 27-29.

Report on Finances.

434. The United States in Congress Assembled. / April 27, 1784. / Congress resumed the consideration of the report of the / Grand Committee appointed to prepare and report to Congress, the ar- / rears of interest on the National debt, together with the expenses for the year 1784, / from the first to the last day thereof inclusive, and a requisition of money on the / States for discharging the same,
F°. Broadside.

A copy, signed in ms. by Chas. Thomson, is in the Library of Congress. It measures 53.4 x 41.9 cms. It includes the reports and resolves of April 27, 28 and 29, which last resolve, however, applied also to the Western Territory.

It was reprinted in Boston by Adams and Nourse, 1784, 12 pp., and in Richmond by Dunlap and Hayes, 1784, 12 pp.

April 30.

Resolutions on Commerce.

435. By the United States / in Congress assembled. April 30, 1784.
F°. Broadside.

A copy, signed in ms. by Charles Thomson, is in the Library of Congress. It measures 32.5 x 20.4 cms.

May 17.

Report on Continental Bills.

436. The Grand Committee to whom was referred / a Letter of the Governor of Massachusetts, of the 28th of Oc- / tober, 1783, relative to the Continental Bills of Credit of / the Old Emissions, submit the following. 4°. Broadside.

A copy is in the Library of Congress. It measures 26.5 x 21 cms. Jefferson notes on his original ms. report (*Papers of the Continental Congress*, 26, folio 481), that it was agreed to, in committee, May 7. Reported to Congress May 17, it was assigned for consideration on May 24. See 438.

May 28.

Report on Southern Indians.

437. The Committee consisting of Mr. Beresford, Mr. Jefferson, Mr. / Chase, Mr. Spaight and Mr. Read, appointed to take into consideration the / state of Indian affairs in the Southern department, beg leave to Report: / F°. pp. (3).

A copy is in the Library of Congress, stitched into the ms. Journal. It measures 41.5 x 26.5 cms.

May 28.

Lands in Western Territory.

438. An Ordinance for ascertaining the mode of locating and disposing / of Lands in the Western Territory. F°. pp. (3).

A copy is in the Library of Congress, stitched into the Ms. Journal. It measures 41.2 x 27 cms.

May —.

Reports of the Grand Committee.

439. The Grand Committee consisting of Mr. / Stone, Mr. Blanchard, Mr. Gerry, Mr. Howell, Mr. Sher- / man, Mr. De Witt, Mr. Dick, Mr. Hand, Mr. Hardy, / Mr. Williamson and Mr. Read, to whom were referred / an act of the legislature of Connecticut, and a letter from the governor of Massachusetts respecting the expences of / that state in an expedition against the British forces at Pe- / nobscot, and other matters, submit the following resolves. / [second] The Grand Committee to whom was referred / a letter of the governor of Massachusetts, of the 28th of / October 1783, relative to the continental bills of credit / of the old emissions, submit the following. / F°. Broadside.

According to Committee Book, No. 186 the Connecticut Act was of January, 1784, and was combined with a motion of the Connecticut delegates on the expense of defending New London and Groton together with

certain payments made to the Connecticut Line. The letter from the Governor of Massachusetts was dated Decembes 18, 1783. The report on the letter of October 28 seems to have been made previously (*See* 434). Both of these reports were rendered May 17. What appears to be the action taken on the first two matters is entered on the Journals June 1, 1784. For previous legislative history of the report on the letter of October 28 see the Journals (L. C. edition) vol. 26, p. 815 note.

June 3.**Accounts with Pennsylvania.**

440. By the United States in Con- / gress assembled. / June 3, 1784. / On the report of a committee consisting of Mr. Spaight, Mr. Gerry, Mr. Lee, . . . for settling the accounts of the state of Pennsylvania also on the petition of James Smith Resolved, F°. Broadside.

A copy, signed in ms. by Charles Thomson, is in the Library of Congress. It measures 44.2 x 29 cms.

Evans' American Bibliography notes a variant.

October 22.**Treaty with Six Nations.**

See under June 3, 1785.

December 4.**Report on Qualifications.**

441. The Committee of Qualifications report, / "That Mr. Ellery was elected a delegate to represent the state of Rhode Island and Providence Plantations Mr. Howell was elected" F°. Broadside.

A copy is in the Library of Congress. It measures 44.5 x 27.9 cms. The date is assigned. The report seems to have been rendered sometime between December 3 and December 7.

Consular Convention.

442. "The / Scheme / of / A Convention / Between His Most Christian Majesty and the United States of North Ame- / rica, for defining and regulating the Functions and Privileges of Con- / suls, Vice-Consuls, Agents and Commissaries. / Done at Versailles, the 29th July, one thousand seven hundred and eighty / four / Faithfully translated from the original, by John Pintard.

F°. pp. 11.

A copy is in the Library of Congress, *Papers of the Continental Congress*, No. 47, folio 261. It measures 29.8 x 19.8 cms. The original ms. Convention, signed by Vergennes and Franklin is dated, in error, 1783. It is on folio 219.

Collection of Treaties.

443. A / Collection / of / Papers: / containing / The Declaration of Independence of the / United States of America, dated July 4th, 1776. / The Treaties of Alliance and Commerce, between / the United States of America and France, Feb. 6, 1778. / Transcript of the Treaty between France and the / United States of America, July 16th, 1782; with the / Ratification thereof by Congress. / The Treaty of Amity and commerce, between the / States General of the United Netherlands and the / United States of America, dated October 8th, 1782, / with the Ratification thereof by Congress. / The Decree of the Queen of Portugal for opening a / Commercial Intercourse between her Subjects and those / of the United States of America, dated Febr. 13, 1783. / Treaty of Amity and Commerce between his Maje- / sty The King of Sweden, and the United States of Ame- / rica, dated April 3, 1783; with the Ratification there- / of by Congress. / Definitive Treaty of Peace between the United / States of America and his Britannic Majesty, dated / September 3d, 1783; with the ratification thereof / by Congress. / To which is added / His Excellency General Washington's Circular Letter / to the different Governors of the respective States, dated / June 11, 1783. / New York: / Printed by Samuel Loudon. [1784] 12°. pp. 96.

A copy is in the New York Historical Society.

Journals. 1783-4.

444. Journal / of the / United States / In Congress Assembled: / containing / The Proceedings / from / The Third Day of November, 1783, / to / The Third Day of June, 1784. / Volume IX. / Published by order of Congress. / Philadelphia: / Printed by John Dunlap, / Printer to the United States in / Congress Assembled. /

8°. pp. 317, xviii.

A copy is in the Library of Congress.

Journal of the Committee of the States.

445. Journal / of the / Committee of The States: / containing / The Proceedings / from / The First Friday in June, 1784, / to / The Second Friday in August, 1784. / Published by order of Congress. / Printed by John Dunlap. / Printer to the United States in / Congress Assembled. / M,DDC,LXXXIV. 8°. pp. 47.

The Library of Congress copy of this was bound up, by Dunlap, with volume IX of the Journal.

INDEX

A

- Accounts, 2, 11, 272, 273, 401, 407, 545;
 Army, 100, 102, 135, 236, 253, 265,
 341, 490*n*, 505; clerks, 127; com-
 missioners, 490*n*; of individuals, 400,
 606; marine, 161; settlement, 21, 22,
 90, 161, 192, 262, 479, 505, 506, 527,
 541, 542, 543, 544, 545, 545*n*, 546,
 556, 566, 590, 594, 606, 672, 690, 692,
 699, 707, 720, 723; States, 87, 126,
 506.
- Adams, John, 23, 24, 28, 144, 342, 345,
 356, 373, 471, 480, 618, 623, 674, 675,
 677; commission, 362, 530; letters,
 579; to negotiate treaties, 579.
- Adams, Samuel, 642, 667.
- Adelaide*, frigate, 598.
- Adjournment, 555, 555*n*, 556, 565, 611,
 612, 630, 631, 632, 637, 678, 701, 710.
- Admiralty, 510; appeals, 18, 19, 20,
 39, 40; State courts, 18, 39.
- Agents, Continental, 528, 556.
- Albany, N. Y., 54, 615.
- Alden, Ichabod, 58, 472.
- Alden, Roger, 440.
- Alexandria, Va., 224.
- Algiers, 362, 391, 608.
- Aliens, 360.
- Allan, John, letter, 11, 41*n*, 52, 132, 403.
- Allen, Ira, 482, 533.
- Allen, John. *See* Allan.
- Allen, ———, 165, 262.
- Alliance*, frigate, 210, 369, 370, 650;
 officers and crew, 363, 364*n*; survey
 of, 171.
- Alsop, John, petition, 696.
- Amity and commerce, treaties, 180, 357,
 362, 369, 372, 650.
- Amsterdam, United States consul, 179.
- Annapolis, Md., Congress at, 4, 293,
 294; entertainment to Washington
 at, 309; mails at, 6; seat of govern-
 ment at, 697.
- Annemours, Chevalier d', 78, 79.
- Apothecary General, 699.
- Appeals, court of, 12, 19, 39, 151, 174;
 judges, 126, 127, 343; maritime
 courts, 401, 402.
- Appleton, Nathaniel, 471.
- Appointments, 144, 404.
- Archives, 27.
- Armand-Tuffin, Charles (Marquis de
 La Rouerie), 103, 104, 210, 263, 446;
 corps, 43, 592; letter, 37, 37*n*, 44, 65,
 66, 66*n*, 68, 70, 170, 171*n*, 402;
 resignation, 67.
- Armistead, Henry, 401.
- Arms, 493, 494; repairs, 488.
- Arms and ammunition, traffic in, 359.
- Armstrong, William, 596.
- Army, 51, 479, 529; accounts, 237, 505,
 506, 545; British, 622; bounty
 lands, 115, 330, 405, 452; clothing,
 681; commissioner of accounts,
 490*n*, 594; commutation, 263; debt,
 187, 264, 297, 298, 302; discharged,
 512, 520, 524; garrisons for western
 posts, 163, 180, 202, 203, 204, 428,
 437, 513, 515; inspector of contracts,
 200, 232, 233; medicines, 509*n*;
 pay, 14, 100, 101, 102, 173, 203, 204,
 205, 206, 269, 388, 400, 411, 436, 500,
 515, 520, 521, 522, 524, 528, 531,
 592; half pay, 135; protection of
 Indian commissioners, 408, 433, 435;
 quota, 433; southern, 200, 232, 233;
 rations, 206, 207, 520, 521, 524;
 staff, 531; standing, 202, 203, 205,

- 380, 428, 428*n*, 429*n*, 433, 434, 435, 499, 515, 518, 530, 537, 539; strength, 54, 55; supply contract, 219; troops retained in service, 400; uniform, 525.
- Arnold, Benedict, 147, 148, 260.
 Arnold, Jonathan, 378, 401.
- Articles of Confederation, 100, 102, 142; addition to, 404; amendment, 589, 590; power of Congress under, 266, 267, 268; ratification of alteration, 208, 209.
- Artillery, 54, 55, 56, 376.
 Assenisipia (State of), 119.
 Association of 1774, Second Article, 14.
 Attorney, power of, 236.
 Auction, military stores, 593, 613, 624.
 Auditors, 126, 127, 342, 441, 442, 505.
 Avery, John, 419.
 Avery, John, jr., 642, 662, 662*n*, 667; letter 651*n*.
 Aycard, ———, letter, 598, 598*n*.
 Ayot, ———, petition, 706.
- B
- Bache, Richard, letter, 163*n*.
 Badlam, Ezra, petition, 399, 528.
 Bahama Islands, 332.
 Baltimore, French consul, 78.
 Bankson, Benjamin, 186*n*, 506*n*, 540*n*, 561*n*, 577*n*, 591*n*, 670*n*.
 Barbary Powers, 608; Mediterranean passport to, 339; treaties, 340, 390, 391, 595.
 Barbé-Marbois. *See* Marbois.
 Barclay, Thomas, 369, 400, 401, 566; letter, 144, 686*n*.
 Barney, Joshua, letter, 132.
 Barney, ———, 400, 528.
 Barnwell, John, *a delegate from South Carolina*, 646.
 Barré, ———, petition, 692.
 Barry, John, 650.
 Bartlett, Josiah, letter, 110, 110*n*.
 Bauman, Sebastian, 54; claim, 527.
 Bayard, Lewis, 97.
 Bayard, ——— *Sieur*, claim, 370, 371, 372.
 Baylor, George, 164, 587.
 Bayonne, France, 334, 335.
 Beattie, John, letter, 578*n*.
 Beatty, Erkurius, 341.
 Beatty, John, *a delegate from New Jersey*. Credentials, 16, 17, 643; attends, 16, 642; letter, 407*n*, 432. *Committees*: Superintendent of Finance letter 41, 62, 233, 246, 252; Carleton letter, 44*n*, 426*n*, 593; grand, 48, 185; Partridge memorial, 58; Murnand letter, 63; Armand letter, 66, 70*n*; Luzern letter, 66; Cady memorial, 66*n*, 177; Sprout claim, 70; week, 72, 162, 163, 171, 172, 176, 198, 714; Lillie and others petition, 72*n*; Howell motion, 75, 84, 108; Superintendent of Finance report, 87*n*, 540; Osgood motion, 103*n*; qualifications, 120, 137, 156, 377, 713, 720; Halsted petition, 163*n*; Livingston memorial, 176*n*, 362; President of Pennsylvania letter, 216; Gassaway account, 220; Strubing petition, 231; Governor of Massachusetts letter, 244*n*; Franklin letter, 260; Halsted petition, 273; Franklin petition, 364*n*; New York motion, 381*n*; Prentice memorial, 409; application of New York, 487; Credentials, 647; Hopkins letter, 664*n*; Lafayette letter, 673*n*; Doughty letter, 681; North letter, 692*n*, 693*n*; Smith petition, 720. *Motions*: 92, 111, 116, 201, 201*n*, 225, 349, 365, 519, 536-7, 537, 537*n*, 555*n*. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 134, 138, 139, 140, 141, 142, 151, 152, 159, 160, 163*n*, 165, 170, 174, 175, 177, 179, 184, 196, 197, 201, 211, 214, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 256, 257, 258, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 321, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 415, 416, 417, 424, 425, 426, 434, 435, 444, 453, 465, 467, 474, 485, 486, 487, 488, 491,

- 492, 498, 499, 500, 501, 502, 504, 511, 513, 514, 516, 517, 518, 420, 521, 536, 537, 538, 540, 552, 554, 681. *Mentioned*: 23, 37, 38, 41, 45, 51, 56, 58*n*, 61, 63, 64*n*, 67, 67*n*, 68, 73, 83, 87, 88, 89, 91, 99, 116, 116*n*, 131, 145, 176*n*, 221*n*, 225, 253*n*, 261*n*, 273*n*, 313, 345, 347, 349, 415, 485, 537, 649.
- Beaulieu, Louis I. de, 43, 65.
- Beaumarchais, Pierre Caron de, 566.
- Beaumont, Ebenezer, 399.
- Beckley, John, 591, 645.
- Beden, ———, letter, 580*n*.
- Bedford, Gunning, *a delegate from Delaware*. Credentials, 651, 652; attends, 129, 651; qualification, 138, 139, 140. *Committees*: Hopkins letter, 664*n*; Marbois note and navigation of the Mississippi, 665, 665*n*, 693; Marbois note, 691; revision of War Office, 672; Lafayette letter, 673*n*; letters from U. S. ministers abroad, 674, 678; Devine petition, 695*n*; Lewis and Alsop petition, 696; instructions to ministers to Spain, 705; qualifications, 713; week, 714. *Votes*: 130, 131, 132, 134, 136. *Mentioned*: 125*n*.
- Bell, Thomas, 2.
- Bells, removed from New York, 213, 336, 337.
- Bengal, India, 577.
- Benson, Egbert, *a delegate from New York*. Credentials, 656, 657*n*; attends, 656. *Committees*: Monroe motion, 658*n*, 660; revision of War Office, 672; Kaskasies memorial, 677*n*; Devine petition, 695*n*; Lewis and Alsop petition, 696; week, 698, 715. *Motions*: 695. *Votes*: 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 659, 669, 672*n*, 697*n*, 710.
- Benstead, Alexander, 557.
- Beresford, Richard, *a delegate from South Carolina*. Attends, 22. *Committees*: Week, 66, 471, 472, 714, 715; Cady memorial, 66; Indian Affairs in the Southern Department, 453; Indian Affairs, 722. *Votes*: 29, 35, 53, 106, 107, 108, 111, 112, 117, 130, 131, 138, 139, 140, 151, 152, 159, 160, 165, 170, 177, 185, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 314, 315, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 386, 409, 413, 415, 416, 417, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 467, 468, 469, 474, 485, 486, 487, 488, 495, 496, 497, 498, 499, 501, 502, 504, 511, 512, 513, 515, 516, 517, 518, 520, 521, 523, 524, 537, 538, 540, 550, 551, 552, 555. *Mentioned*: 38, 51, 66*n*, 67, 87, 117, 146, 156, 243, 279, 315, 407, 464*n*, 472*n*, 550, 551, 554, 595, 596.
- Bernoux (Decebernou), Francis Galvan de, petition, 162, 162*n*.
- Bert, ———, de, 66, 68, 69.
- Biddle, Clement, 525.
- Bird, Benjamin, petition, 445*n*, 471.
- Blaine, Ephraim, letters, 3, 403.
- Blair, John, letter, 677*n*.
- Blake, J., memorial, 402.
- Blanchard, Jonathan, *a delegate from New Hampshire*. Credentials, 109; attends, 109. *Committees*: Paschke representation, 121*n*; week, 124, 162, 163, 171, 172, 176, 179, 198, 363, 364, 587, 588, 714, 715; grand, 172, 356, 394, 465, 472, 506, 720, 722; Otto petition, 348; Woelpper petition, 348; of the States, 477, 561, 564, 713; Marine agent report, 580*n*; Muhlenberg letter, 625. *Motions*: 167, 545*n*. *Votes*: 111, 112, 116, 117, 130, 131, 132, 133, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249,

- 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 591, 605, 612, 630, 632, 633. *Mentioned:* 124*n*, 156, 163, 171*n*, 179*n*, 198*n*, 363*n*, 413, 416, 417, 485, 567, 568, 589*n*, 604, 611*n*, 630.
- Bland, Theodorick, *a delegate from Virginia*. *Motions:* 401, 405.
- Blockade, 360.
- Board of War. *See* War, Board of.
- Bon Homme Richard*, 369, 370.
- Bond, William, 472.
- Booth, James, 652.
- Boston*, frigate, 370.
- Boston Gazette and Country Journal, the, 584.
- Boston, Mass., military stores at, 615; money from, 653; poor of, 545.
- Boundaries, 399, 529, 709, 710; eastern, 11, 52; United States, 619.
- Bounty lands. *See* Lands.
- Bourne, Shearjashub, remonstrance, 363*n*.
- Bowen, Thomas B., 341.
- Boyers, James. *See* Byers.
- Bradford, John, letter, 427*n*; memorial, 410.
- Bradford, William, 604.
- Brahm, Frederick J. S. de, 69; letter, 46, 47, 47*n*, 69.
- Brevet commissions, 51; pay, 243; rank, 66, 68, 69.
- Brown, Edward Vail, letter, 426*n*; petition, 410.
- Brown, John, 148, 338.
- Brun, ———, le, 66, 68, 69.
- Bryan, Samuel, 644.
- Buchanan, W., letter, 402.
- Buhler, John, petition, 401.
- Buildings, for Congress, 696, 698, 704, 707; expense, 704; payment for use of, 543.
- Bull, John, *a delegate from South Carolina*. Credentials, 646, 647*n*; attends, 642; *Committees:* Halsted memorial, 273*n*; credentials, 647; Thompson letter, 651*n*; Blair letter, 677*n*; Stockly letter, 677*n*. *Votes:* 681, 694, 695, 697, 701, 702, 703, 704. *Mentioned:* 649.
- Burrall, Charles, 588.
- Burrell, Jonathan, letter, 252.
- Butler, Pierce, *a delegate from South Carolina*. Credentials, 646.
- Butler, Richard, 124, 135; letters, 198, 279*n*, 331*n*, 389, 389*n*, 598*n*, 615*n*, 659, 660*n*.
- Butler, Richard, and Arthur Lee, letter, 679*n*.
- Butler, Zebulon, petition, 45, 45*n*, 363*n*.
- Butler, Zebulon, and others, petition, 280, 281, 400, 526.
- Byers, James, 56, 57, 58.

C

- Cadwallader, Lambert, *a delegate from New Jersey*. Credentials, 643.
- Cady, Palmer, memorial, 66, 178, 399, 527.
- Calonne, ———, letter, 333, 334, 471.
- Calvet, ———, application, 403.
- Campbell, Arthur, letter, 680*n*.
- Canada, 556; commissary general in, 163; Congress address to, 75, 76, 86; expedition against (1775), 147, 148; inhabitants' claims, 85, 86; inhabitants' memorial, 402; letter to inhabitants, 147; officers, 99, 244; officers' petitions, 72*n*, 80; refugees, 76, 400, 402; refugees' memorial, 62*n*, 75, 76, 86.
- Cannon, brass, 56.
- Canton, China, 58, 577.
- Captures, on high seas, 18, 39, 40.

- Carabasse, ———, 566.
- Carberry, Henry, 310, 311, 330, 393.
- Carbonneaux, Francois, letter, 677*n*.
- Cargoes, 357, 358.
- Carleton, Joseph, 52, 93; accounts, 63; letter, 44*n*, 51, 51*n*, 63, 63*n*, 220, 220*n*, 341, 426*n*, 527, 613, 624, 635, 650*n*, 680*n*, 698*n*.
- Carlisle, Pa., 336, 337; bells removed to, 213; military stores at, 614.
- Carmichael, William, 601, 602; letter, 405.
- Carrington, Edward, *a delegate from Virginia, committees*: reduction of public debt, 129*n*.
- Castaing, Peter, 68, 69, 92.
- Castries, Charles Eugène Gabriel de la Croix, Marquis de, 334.
- Cazeau, Francis, 148, 149, 150, 398; memorial, 147, 410.
- Cedars, hostages, 60.
- Census, 308.
- Certificates, for final pay of army, 165; to replace bills of credit, 396.
- Cessions of western lands, 143, 275, 316, 317, 405.
- Cette (Sette), France, United States consul, 121.
- Chairman, of Congress, 133, 172, 502.
- Champlin, Chris., petition, 569*n*.
- Chandler, Charles Church, *a delegate from Connecticut*. Credentials, 655.
- Chaplain, 12, 15, 126, 127, 145, 342, 683; elected, 44, 693.
- Chargé d'affaires, United States to foreign countries, 144, 164.
- Charles I, 548, 549, 668.
- Charleston, S. C., 454, 597.
- Chase, Jeremiah Townley, *a delegate from Maryland*. Attends, 636. *Committees*: Heinekin memorial, 12; Superintendent of Finance letter, 22*n*, 160, 161; grand, 48, 185; commercial affairs, 50, 269, 317, 320*n*; Pennsylvania instructions, 50, 71*n*; Pollock letter, 62*n*; Carleton letter, 63; Canadian officers' petition, 80; Smith letter, 82*n*; Shippen letter, 90; Osgood motion, 103*n*; government of Western Territory, 118, 247, 719; qualifications, 120, 137, 156, 377, 713, 720; Howell motion, 142; Gamble memorial, 237; Patton memorial, 242; Mann claim, 309; seat of government, 444; Indian affairs, 453, 722; of the States, 477, 561, 564, 713; Champlin petition, 569*n*, 577; rules for committee of the States, 569*n*, 572; Adams letters, 579; marine agents report, 580*n*; George Rogers Clark letter, 581; Hazard letter, 582; Shewell petition, 583; Thomson letter, 583; Hand letter, 591*n*; Pierce letter, 598*n*; Gerry motion, 608, 595*n*; Franklin letter, 615; Lee and Butler letter, 615*n*; Muhlenberg letter, 625; week, 715. *Motions*: 20, 414. *Votes*: 20, 29, 35, 41, 53, 63, 67, 111, 130, 131, 132, 151, 152, 159, 160, 170, 174, 175, 177, 185, 196, 214, 215, 223, 224, 225, 226, 229, 230, 249, 250, 251, 252, 256, 257, 258, 259, 260, 275, 279, 282, 291, 292, 293, 295, 296, 300, 315, 321, 331, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 591, 605, 612, 630, 633. *Mentioned*: 1, 73, 83, 87, 88, 89, 91, 98, 103, 109, 124, 129, 145, 147, 156, 167, 414, 418, 567, 568, 591, 637.
- Chase, Thomas, petition, 509*n*.
- Chaumont, Donatien le Ray de, 369, 370.
- Cherokee Indians. *See* Indians, Cherokees.
- Cherronesus (State of), 119.
- Chester, sloop, 400, 509, 510, 528.
- Chever, John, memorial, 49.
- Chickasaw Indians. *See* Indians.
- Chittenden, Thomas, letter, 578*n*.

- Choctaw Indians. *See* Indians.
- Christianity, for Indians, 660.
- Circular letter, to States, 241.
- Citizens, 144.
- Citizenship, 256.
- Civil affairs, 2.
- Civil departments, 301; expense, 186, 297.
- Civil list, reduction of, 122, 126, 164, 342, 349, 350, 398, 405.
- Claims, 2; Canadian, 85, 86.
- Clark, Abraham, *a delegate from New Jersey. Committee:* Lytle memorial, 220. *Motions:* 235.
- Clark, George Rogers, 114, 124, 134, 135, 461; letter, 581, 581*n*; commissioner to treat with Indians, 581; land grant to officers and men, 626.
- Clark, John, 577, 578.
- Claypoole, Abraham George, 242.
- Clergy. *See* Episcopal Church.
- Clerks, 126, 127.
- Clinton, George, 54, 166, 167, 656, 657, 664, 671; letter, 67*n*, 76, 287*n*, 493.
- Clothier, returns, 52.
- Clothier Department, 54, 55.
- Clothing, for troops, 54, 55, 400, 525, 529, 681.
- Coddington, James, petition, 651.
- Coin, Massachusetts instructions, 661*n*.
- Coinage. *See* Massachusetts, instructions to delegates.
- Coit, Benjamin, 655.
- Colbert, James, 461, 462, 463.
- Coleman, William, petition, 426*n*.
- Commander in chief. *See* Washington, George.
- Commerce, 50, 177, 181, 269, 319, 320, 321, 334, 358, 359, 405; address to States on, 50; Congress power, 270, 271; with France, 77, 79; free ports, 241; injured by Europe, 71; monopoly, 270, 318, 321; negotiations, 471; most favored nation, 369; protection, 171; regulation, 586, 588; report on, 318, 321; resolves, 721; treaties, 169, 176, 180, 342, 345, 356, 357, 362, 375, 529, 530, 579, 650, 674.
- Commercial Committee, 21, 22, 672; accounts, 161, 544.
- Commissary Department, Commissioner for adjusting accounts, 11.
- Commissary General, letter, 597.
- Commissary of Issues, department, 234.
- Commissary of Military Stores, 52, 57, 58, 494.
- Commissary of Purchases, commission allowed, 3.
- Commissioners, of accounts, 11, 22, 61, 90, 126, 127, 161, 252, 253, 262, 272, 297, 490*n*, 541, 542, 543, 544, 545*n*, 546, 556, 594; Canadian claims, 85; clerks, 126, 127; to negotiate commercial treaties, 342, 343, 345, 373, 375, 674, 675; for erecting public buildings, 704, 707; for loan from Holland, 480; to negotiate with Indians, 123, 124, 125, 129, 130, 131, 133, 134, 135, 141, 152, 153, 198, 207-8, 238, 273, 274, 282, 389, 408, 458, 459, 460, 464, 553, 581, 582, 599, 625, 659; instructions to Indian, 458, 459, 460; Treasury, 470, 471, 576, 649, 665, 698; troops to protect Indian, 433, 435, 466; to select seat of government, 700, 704; to survey and map New York and Virginia cessions, 658.
- Commissions, 3; loan officers, 406, 473; tax receivers, 364.
- Commissions, Army, 51, 232; Navy, 7; for Indian commissioners, 599; to negotiate commercial treaties, 365, 373.
- Committee, appointments, 3, 7; reports, 2, 528.
- Committee, for appeals in Admiralty, 18, 19.
- Committee of the States, 2, 4, 45, 74, 84, 226, 244*n*, 296, 377*n*, 385, 388, 397, 398*n*, 399, 400, 411, 438, 438*n*, 444, 445, 479, 500, 505, 507, 515, 527, 531, 554, 555, 565, 566, 567, 582, 584, 585, 587, 589, 593, 594, 596, 597, 600, 601, 602, 604, 607, 611, 612, 616, 625, 626, 630, 631, 634, 637, 638, 713; ad-

- jourment, 566, 612, 631, 632; instructions to, 477; chairman, 443, 475, 561, 562, 577, 579; delegates, 476, 476*n*; elected, 564; journal, 476, 561, 561*n*, 562, 624, 724; membership, 477; letter to Virginia executive, 625; powers, 47, 47*n*, 288, 289, 290, 291, 398, 443, 474, 561, 562, 563, 579; proceedings, 289; procedure, 572; representation in, 476, 476*n*, 554, 563, 631, 635; to receive mail addressed to Congress, 565; rules for government of, 569, 572, 577*n*; unfinished business, 649.
- Commutation, of half pay, 80, 263, 405.
- Comptroller, 127, 161, 261; clerk to, 126, 342.
- Comptroller of Accounts, 199, 232.
- Comptroller of the Treasury, 440, 441, 442, 443.
- Condict, Silas, *a delegate from New Jersey*. Credentials, 16, 17.
- Confederacy*, frigate, 691.
- Confederation. *See* Articles of Confederation.
- Congress, address to States, 50; addresses to Canada, 75; adjournment, 4, 74, 221, 287, 295, 351, 397, 490, 491, 492, 497, 550, 551, 554, 555, 555*n*, 556, 565, 611, 630, 678; answer to French minister, 393, 394*n*; buildings for, 223, 696, 698, 704; chairman, 133, 172, 502; convening, 490, 492, 562; court to decide boundary dispute, 547, 549; delegates, 146, 405; delegates' authority to examine records, 105; delegates' election, 102, 103, 156, 157, 160; delegates' qualifications, 156, 157, 158, 159, 377, 378, 379; delegates' term, 385, 389, 390; denial of right of States, 101; files revised, 2; guarantee, 484; jurisdiction over seat of government, 403; journal, 78*n*; letter announcing British ratification of peace treaty, 616; letters to crowned heads, 675, 676; letter to King of France, 240, 674, 682; mail, 6, 565; message to King of Spain, 688; officers to attend the Committee of the States, 562; at Philadelphia, 223; powers of, 71, 174, 209, 265, 266, 267, 268, 270, 271, 319, 321, 403, 433, 434, 518, 586, 588, 589, 613; presented with statue of King Louis, 598; president, 400, 505, 649; procedure, 397, 398; recess, 505; records open to Dr. Gordon, 427; reports, 527; reports pending, 397; reply to Connecticut House of Representatives, 265, 269*n*; reply to the Chickasaws, 464; representation, 74, 75, 82, 84, 93, 102, 108, 119, 212, 245, 247, 278, 351, 421, 422, 424, 641; requisitions on States, 70; secrecy in, 405; secretary, *see* Secretary; sentiment desired, 503; at Trenton, 288, 295, 554, 567; vote of States in, 350; vote of territory in, 258.
- Connecticut, 101, 141, 193, 308; act of legislature, 45, 394, 432*n*, 722; address of House of Representatives, 100, 102, 135, 265; cession of western lands, 432*n*; Congress reply to, 265, 269*n*; claim to Pennsylvania land, 45, 46, 280, 281, 526, 603; credentials of delegates to Congress, 654, 655; court, 280, 281; delegates' motion, 294, 722; expense in Penobscot expedition, 722; French consul, 78, 79; governor, 36*n*, 375; Indian commissioners, 123; loan officers, 406, 473; military stores in, 594; officers, 531, 539; officers' pay, 256, 266, 267; proclamation, 45; quota of money, 173; quota of the public debt, 128, 266; representation in the Committee of the States, 631; troops, 205, 405, 530, 539, 723.
- Connolly, Francis, petition, 399.
- Consuls, American, 121, 144, 179, 368; French, 77, 78, 371; French consular convention, 685, 686*n*, 723; powers, 685; Swedish, 659.
- Continental bills. *See* Currency.
- Contraband, of war, 182, 183, 359, 360.

Contractors, 507, 508.
 Contracts, 219; inspector, 200, 232, 233; suit on Gillon's with Laurens, 588; for supplying troops, 436, 479.
 Conyngham, Gustavus, memorial, 7.
 Cook, Joseph Platt, *a delegate from Connecticut*. Credentials, 654, 655; attends, 654. *Committees*: Week, 672, 715; Lafayette letter, 673*n*. *Votes*: 681, 702, 703. *Mentioned*: 661, 663, 672, 683, 685, 686, 696.
 Counterfeiting, 165.
 Courts, of appeals. *See* Appeals; for determining captures, 18, 39, on Connecticut's claim to Pennsylvania lands, 45, 46; maritime, 402; martial, naval, 234, 580, 650.
 Cowper, John, 21, 22.
 Craig, Thomas, 242.
 Craigie, Andrew, 593.
 Credentials, 137, 642-47, 648, 651, 654, 656, 662, 663; committee, 647, 655; report on, 648.
 Credit, public, 145, 298, 299.
 Creek Indians. *See* Indians.
 Crèvecoeur, Hector St. John de, 78, 79, 584, 585.
 Cuba, 385.
 Cumberland River, 115.
 Cumming, William, *a delegate from North Carolina*, credentials, 645.
 Currency, bills, 395, 396, 722.
 Cutting, John Brown, 699.

D

Dalton, Tristram, *a delegate from Massachusetts*. Credentials, 642.
 Damages, 401, 543.
 Dana, Francis, *a delegate from Massachusetts*. Credentials, 419, 642; attends, 418; *Committees*: Superintendent of Finance letter, 385*n*, 471; Sewell petition, 432*n*; of the States, 477, 561, 564, 713; French minister's note, 478; week, 490, 508, 509, 525, 556, 715; Pennsylvania Council letter, 564; Beaumarchais letter, 566; Champlin petition, 569*n*, 577; rules for Committee of the States, 569*n*, 572; Adams letter, 579; Shewell petition, 583; Dana motion, 584; St. John's advertisement, 584; Martin letter, 595; Gerry motion, 595*n*, 608; committee report on order of June 17, (1783), 605; Totten letter, 607; Read motion, 625*n*, 627. Letter, 4, 122*n*, 405. *Motions*: 429, 433, 476*n*, 489, 497, 511, 511*n*, 516, 529, 553, 556, 565, 578, 578*n*, 584, 604, 605*n*, 611, 630, 632. *Votes*: 424, 425, 426, 429, 430, 431, 434, 435, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 591, 605, 612, 630, 633. *Mentioned*: 438*n*, 478*n*, 485, 500, 510, 511, 511*n*, 517, 519*n*, 523, 554*n*, 556*n*, 567, 568, 580*n*, 585*n*, 591, 596*n*, 605, 607*n*, 611*n*, 612, 612*n*, 632, 633.
 Dane, Nathan, *a delegate from Massachusetts*. *Committees*: reduction of public debt, 129*n*.
 Dart, John Sandford, 146, 646, 647.
 Davis, George, letter, 42*n*.
 Davison, ———, 165.
 Deane, Silas, 566.
 Deany, Samuel, memorial, 508, 508*n*.
 Deare, Jonathan, 201.
 De Brahm. *See* Brahm.
 Debt (National or Public), 10*n*, 32, 33, 108, 110, 119, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 209, 211, 213, 264, 265, 277, 297, 298, 299, 300, 301, 302, 303, 304, 306, 312, 316, 367, 368, 395, 396, 440, 473, 590, 720; committee on, 34; discrimination against foreign (or French) creditors, 188, 303; domestic, 211, 300, 507; estimate, 403; interest, 48, 186; interest arrears, 263, 296, 297; liquidated certificates, 235, 236; permanent funds for, 241; protection of agents, 410; reduction of, 128; repayment of French and Dutch loans, 241; State quota of, 128, 266, 590, 591.

- Debts, collection in case of war, 358, 359; collection under Definitive Treaty, 26; private, 621.
- Decbernou. *See* Bernoux.
- Definitive Treaty, ratification, 2, 4, 5, 6, 6*n*, 8, 23-28, 29, 31, 34, 35, 36*n*, 616, 617; text, 617, 623*n*.
- Delaware, delegates, 137, 139, 140, 565, 651; French consul, 77, 79; Indian commissioner, 123; quota of public debt, 128; quota of money, 173; representation in Congress, 74, 351; representation on Committee of the States, 631; troops, 205.
- Delaware River, seat of government, 293, 402, 700, 704, 707.
- Delegates, appointment, 405, 581; in Committee of the States, 476, 476*n*; credentials, 137, 642-47, 648, 651, 654, 655, 656; election, 136, 139; qualifications, 136, 137, 137*n*, 138, 140, 405, 412, 413, 414, 416, 420, 655; term, 385, 389, 390.
- Denmark, King, decision on ordination of Americans to Episcopalian orders, 674; minister, 144; treaty with, 180, 357, 405.
- Denning, William, 547, 678; letter, 677, 678*n*.
- Depreciation, 32, 43, 56, 253, 261, 335, 336, 351, 371, 395, 396, 401, 402, 410, 592.
- Deserters, 164.
- Detroit, 204, 207, 657; British evacuation of, 661; British post at, 202; Indian treaty at, 72; lands, 86; troops for, 389.
- DeWitt, Charles, *a delegate from New York*. Credentials, 166; attends, 170. *Committees*: Grand, 172, 356, 394, 465, 472, 506, 720, 722; week, 216, 714; Schuyler memorial, 216*n*, 335; Livingston petition, 216*n*; Evans letter, 216*n*, 335; of the States, 561, 564, 477, 713. *Motions*: 481, 504; *Votes*: 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 321, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 386, 379, 382, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 167*n*, 170*n*, 287, 382, 485, 487, 492, 494, 498, 501, 501*n*, 505*n*, 513, 532, 547.
- DeWitt, Simeon, letter, 97*n*.
- Dick, Samuel, *a delegate from New Jersey*. Credentials, 16, 17, 643; attends, 97. *Committees*: Week, 124, 363, 364, 587, 588, 698, 714, 715; Halsted petition, 163, 273; grand, 172, 356, 362, 394, 465, 472, 506, 720, 722; Livingston memorial, 176*n*, 362; Carleton letter, 220*n*; McHenry motion, 255*n*; of the States, 477, 561, 564, 713; revision of reports file, 527*n*; Read motion, 530. *Votes*: 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 321, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 386, 379, 382, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537,

- 538, 540, 550, 551, 552, 554, 591, 605, 612, 630, 633, 681, 694, 697, 700, 701, 702, 703.
Mentioned: 245, 331, 485, 537, 587*n*.
 Dickinson, John, letter, 216*n*, 399, 502, 529, 706*n*.
 Dickinson, Philemon, 17.
 Diesne, Germaine, 99.
 Diony, G., petition, 72*n*.
 Diplomacy, letter to United States; Ministers in Paris, 8; secrecy of letters, 331.
 Diplomatic corps, secretary's salary, 365.
 Discounts, 194.
 Divine, Timothy, petition, 695*n*.
 Doane, Elisha, petition, 19, 39, 40.
 Donne, J., 462, 463; letter, 461.
 Door, John, 331.
 Doorkeeper, of Congress, 126, 242, 342.
 Doughty, John, 682; letter, 681, 682*n*.
 Dragoons, deserters, 164.
 Drew, William, 591.
 Duane, James, *a delegate from New York*. *Committees:* powers of Committee of the States, 47; Greene letter, 233. *Mentioned:* 12, 47*n*, 669, 710.
 Du Calvet, Pierre, claim, 260, 261.
 Dudley, John, 89, 109.
 Duer, William, 681; letter, 62*n*, 76, 340*n*, 686*n*; memorial, 219, 404.
 Dulhire, Henry, letter, 374; memorial, 340*n*.
 Dumas, Charles William Frederick, 59, 398, 528; letter, 144; services, 679.
 Dunkirk, 241, 334, 335.
 Dunlap, John, 724.
 Du Pontiere, Louis, 66.
 Duportail, Louis Le Beque, 68; letter, 37, 43, 44*n*, 92.
- E
- Eastern boundary. *See* Boundaries.
 Eckart, Valentine, memorial, 252, 253*n*, 402.
 Economy, governmental, 126.
 Eddy, Jonathan, and others, petition, 377*n*.
 Education of Indian youths, 582.
 Elbert, Samuel, *a delegate from Georgia*. Credentials, 570.
 Elections, delegates to Congress, 136, 156, 157, 160.
 Ellery, William, *a delegate from Massachusetts*. Credentials, 647, 648. *Committees:* Sullivan and New Hampshire letters, 4*n*; Greenwood petition, 4; Conyngham memorial, 7; Washington letter, 7; Morris letter, 11; Sullivan memorial, 14; New Hampshire legislature letter, 17, 38; ratification of Definitive Treaty, 22; Armand letter, 37*n*, 170; Duportail letter, 42; Paymaster General letter, 44; Knox letter, 54, 233; Superintendent of Finance letter, 56, 62*n*, 171, 234, 235, 246, 252; Sprout claim, 70; Howell motion, 75, 84, 108, 271; French minister's note, 77-8; Smith letter, 82*n*; Shippen letter, 90; settlement of army accounts, 102*n*; Osgood qualification, 121*n*; Connecticut address, 135; qualifications, 136; Williamson motion, 162; Greene letter, 199, 200, 232, 233, 233*n*; Gassaway account, 220; Gamble memorial, 235, 235*n*; Weiss claim, 253; Franklin letter, 260; Steuben letter, 262; Williams letter, 265; Halsted memorial, 273*n*; Hand motion, 282*n*, 387; Butler petition, 363*n*, 526; Committee of the States, 477, 561, 564, 713; representation of New York delegates, 481; New York-Virginia controversy, 532; Carleton letter, 650*n*; Thompson letter, 651*n*; Indian Commissioners letter, 659, 664; Lafayette letter, 673*n*; Blair letter, 677*n*, Stockly letter, 677*n*; Olivier letter, 685*n*; French chargé note, 690, 691; Fleury letter, 692; Barré petition, 692; North letter, 695*n*; Jolibois letter, 696*n*; Divine

- petition, 695*n*; Fox letter, 699; Ayot petition, 706; White petition, 708. *Motions*: 4, 5*n*, 6, 123, 130, 131, 169, 171, 171*n*, 222*n*, 346, 377, 403, 702. Right to sit in Congress, 412, 414, 416, 417, 420, 421, 422; vote objected to, 409, 411. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 256, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 523, 524, 536, 537, 538, 540, 551, 552, 554, 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 12, 36*n*, 38, 55, 61, 68, 75*n*, 123, 132, 137*n*, 160*n*, 171*n*, 201, 211, 214, 229*n*, 230, 233*n*, 248, 249, 257, 287*n*, 319, 342, 343*n*, 346, 354, 409, 417*n*, 424, 476*n*, 485, 490*n*, 526*n*, 673, 685, 685*n*, 694, 696*n*, 697, 702, 703.
- Ellery, William, jr., 578.
- Ellsworth, Oliver, *a delegate from Connecticut*, 546, 650, 655; letter, 331*n*, 650*n*; resignation, 16.
- Elmer, Jonathan, *a delegate from New Jersey*. Credentials, 16, 17.
- Embargo, 319, 320.
- Embassy, Secretary of, 127.
- Empress of China*, ship, sea letters, 58, 59.
- Enfant. *See* L'Enfant.
- Engineers, 43, 64, 65.
- Episcopal Church, American candidates for ordination, 674, 677.
- Estimates, for 1784, 48*n*, 185, 186, 297, 300, 301. *See also* Expenses.
- Etombe. *See* L'Etombe.
- Ettwein, John, letter, 198*n*.
- Europe, Crowned heads, letter to, 675, 676; injures American commerce, 71; treaties with, 169, 176, 180, 184.
- Evans, Israel, letter, 216*n*; memorial, 335.
- Ewing, John, 490.
- Ewing, Patrick, memorial, 507*n*.
- Expenses (1784), 720.

F

- Fay, Jonas, 482, 483, 533, 534.
- Few, William, *a delegate from Georgia*. Credentials, 569, 571.
- Files, revision, 2.
- Finance, 173, 297, 396, 403, 406, 541; Continental bills, 383, 395, 404, 722; grand committee report, 722; national, 186, 187; protest of notes, 173; report on, 300-309, 312, 720; requisition on States, 185; requisition for (1783), 190, 191, 192; requisition for (1784), 211; revenue raising, 209; war expenses of States, 395.
- Finance, Department of, ordinance, 469. *See also* Treasury, Board of.
- Finance, Superintendent of. *See* Superintendent of Finance.
- Finance Office, clerks, 126; report, 398.
- Finney, Walter, 401.
- Finnie, William, 179, 179*n*, 587*n*; memorial, 587; petition, 663*n*.
- Fisheries, United States rights by Definitive Treaty, 25, 620.
- Flagg, Josiah, 399; accounts, 262, 528.
- Flagg, Josiah, and Josiah, jr., accounts, 297, 297*n*.
- Flagg, Josiah, jr., 399; accounts, 528.
- Fleury, François Louis Teisseydre, 239, 405; letter, 692, 692*n*.
- Florida, 690; limits, 687, 688.
- Florimont, Florat de, petition, 445*n*, 471.
- Fontivier (Fontivieux), ——— de, 66, 68, 69.
- Ford, Standish, 235.
- Foreign debt, 301.

- Foreign affairs, 2, 108.
 Foreign affairs, committee report, 404.
 Foreign Affairs, Department or Office of, building for, 704; clerks, 686; regulations, 686; revision of, 477, 563, 632, 634; Secretary, Deputy or Under Secretary, 50, 64, 65, 74, 77, 93, 98, 104, 105, 122, 126, 127, 144, 342, 369, 401, 632, 674, 677, 686, 687; election of Secretary, 354, 355, 356; instructions to, 688; letter, 405; pay, 355, 687; records or papers, 50, 64, 65, 74, 104, 105, 122.
 Forgery, 165.
 Fort Erie, 204, 207; British post at, 202.
 Fort Lee, 525.
 Fort McIntosh, troops for, 389.
 Fort Pitt, 203, 204, 436, 512, 520, 524; garrison, 403.
 Fort Rensselaer, 660, 664, 681.
 Fort Schuyler, 541.
 Fort Stanwix, 664; Indian speech at, 660*n*; Indian treaty at, 658; troops at, 660.
 Forts, for protection of western frontier, 64.
 Foster, Abiel, *a delegate from New Hampshire*. Credentials, 89, 654; attends, 654. *Committees*: Greenwood petition, 4, 4*n*; Eastern boundary, 11; Week, 37, 121, 364, 374, 407, 714, 715; grand, 48, 185; Cady petition, 66*n*, 177; Superintendent of Finance letter, 62*n*, 233, 246; Sprout claim, 70; Lafayette letter, 673*n*. *Motions*: 99, 156, 163. *Votes*: 20, 21, 28, 35, 48, 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 133, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 681, 694, 701, 702, 703. *Mentioned*: 1, 6, 15, 20, 22, 37, 38, 41, 50, 53, 56, 61, 63, 67, 70*n*, 73, 87, 88, 89, 91, 98, 103, 151, 152, 156, 174, 175, 246*n*, 436, 521, 523, 659, 661, 663, 673, 683, 685, 686, 696.
 Fosters, brothers, 369.
 Foundry, cannon, 56.
 Fowler, Alexander, memorial, 403.
 Fox, Edward, letter, 699.
 France, Chargé d'affaires, 690, 691. *See also* Marbois; citizens discriminated against, 188, 303; commerce, 77, 79; commissioners or ministers to, 8, 32, 104, 357; consular convention with, 685, 723; consuls, 77, 78, 79, 597; Farmers General, 297, 301, 334; most favored nation, 369; free ports, 145, 333, 334; friendship, 369; king, 598, 674; loans, 186, 241, 246, 297, 301; mail from, 584; minister from, 188, 240, 241, 303; letter from the minister, 68, 77, 239, 376, 393, 394, 398, 399, 528, 564, 597, 597*n*; answer to letter from, 393; memorial of minister, 240. *See also* La Luzerne; treaties with, 361, 369, 530.
 Francis, Tench, 246, 652, 653.
 Franklin, Benjamin, 23, 24, 28, 144, 261, 334, 342, 345, 355, 369, 373, 403, 404, 471, 618, 623, 674, 723; commission, 362, 530; instructions to, 368; letter, 143, 145, 260, 369, 615; retirement, 171, 377, 403; to negotiate commercial treaties, 579.
 Franklin, John, petition, 364, 364*n*.
 Franklin, armed schooner, 340; officers petition, 226*n*.
 Franks, David S., 34, 35, 36*n*; letter, 124*n*, 578.

Fraud, in troops pay, 592.
 Frederick, Maryland, 49.
 Free ports. *See* Ports.
 French officers. *See* Officers.
 Frontier, western. *See* Posts.
 Frothingham, Richard, petition, 49.
 Fuller, Nathan, petition, 472, 490*n*.

G

Galvan, William, 162.
 Galvez, Joseph de, 689; letter, 687, 690.
 Gamble, James, memorial, 235, 235*n*, 237, 400.
 Gardner, Joseph, *a delegate from Pennsylvania*. Attends, 641; credentials, 644. *Committees*: Carleton letter, 220*n*; French chargé letter, 690, 691; Fleury letter, 692; Barré letter, 692; Dickinson letter, 706; week, 715. *Votes*: 681, 694, 695, 700, 701, 702. *Mentioned*: 649, 702.
 Gardner, Nicholas, 650.
 Gardoqui, Diego, 706*n*.
 Gassaway, Henry, 330.
 Gassaway, John, account, 220, 221.
 Gayron, Hugh, letter, 556*n*.
 Genoa, treaty with, 180, 357.
 George III, 624.
 Georgetown, Md., seat of government near, 223, 292, 293, 294, 445, 700; surveyor, 445.
 Georgia, 371, 580; assembly proceedings, 95, 96; claims against Indians, 454; council resolves, 94, 95; delegates, 565, 569, 570, 571; French consul in, 78, 79; executive, 528; Indian commissioner, 123; proceedings against McIntosh, 399; quota of public debt, 128; quota of money, 173; representation in Congress, 74; troops, 205.
 Germany, treaty with, 180.
 Gerry, Elbridge, *a delegate from Massachusetts*. Attends, 661; credentials, 642. *Committees*: Revision of files, 2; ratification of Definitive Treaty of Peace, 5, 22; Postmaster General letter, 8; Eastern boundary, 11; commercial affairs, 50, 269, 317, 320*n*; Heinekin memorial, 12; Van Berckel letter, 59; Canadian refugees' memorial, 62*n*, 76, 86; week, 66, 714; Cady memorial, 66; Pennsylvania's instructions, 71*n*; Read's motion, 72*n*, 73, 317, 321; Schuyler letter, 73; Monroe motion, 75, 86; Morris letter, 86*n*, 93*n*; Superintendent of Finance report, 87, 235, 236*n*, 540; Tarrasson petition, 97*n*; reduction of civil list, 125-6, 164, 342; Franklin and Barclay letters, 143-4; Lee motion, 163*n*; North letter, 163*n*, 693*n*; Inspector General department, 168; letters from U. S. ministers abroad, 169; report on the *Alliance*, 171*n*; Superintendent of Finance letter, 172*n*, 209, 332, 471, 480, 594; grand, 172, 356, 394, 465, 472, 506, 720, 722; possession of western posts, 180*n*, 201, 376, 428, 720; Superintendent of Finance and Marine Office letters, 209; Gerry motion, 212*n*, 245, 339*n*; Steuben letter, 230; King of France letter, 239-40; payment to Mercer, 309; western lands, 324, 356; Otto petition, 348; Woelpper petition, 348; sea letters, 339*n*; French Minister's letter, 376, 393, 394, 478; qualifications, 377, 713; Mediterranean passports, 390; reports pending, 397; Connecticut cession, 432*n*; seat of government, 444; Marbois' note and navigation of the Mississippi, 665, 665*n*; Lafayette letter, 673*n*; Department of Foreign Affairs, 686; Barclay letter, 686*n*; instructions to Minister to Spain, 705; Pennsylvania accounts, 720, 723; Smith petition, 720. *Motions*: 4, 5*n*, 18, 34, 35, 36*n*, 44, 50, 64, 98, 104, 122, 124, 124*n*, 125*n*, 130, 133, 141, 158, 212, 212*n*, 218, 218*n*, 245, 251, 256, 257, 272, 272*n*, 273, 274, 339, 340*n*, 353, 354, 358, 365, 382, 398, 430, 433, 436,

- 438n, 468, 477, 477n, 488, 490, 490n, 492, 500, 500n, 503, 507, 510, 515, 517, 518, 519n, 520, 527, 553, 553n, 555, 555n, 595, 595n, 608, 700. *Votes:* 20, 21, 28, 35, 41, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 133, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 275, 279, 282, 291, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 681, 697, 700, 701, 702, 703. *Mentioned:* 8n, 11n, 13n, 18n, 44n, 82n, 105, 105n, 108, 122, 124n, 130, 131, 133, 142, 143, 145n, 150n, 154, 154n, 155n, 157n, 159n, 176n, 210n, 228, 229, 241, 246n, 251, 258, 274n, 275, 287, 287n, 351, 355, 356, 358n, 394n, 398n, 429, 430, 434, 439n, 443, 445n, 446, 466n, 469, 471n, 475n, 489, 492, 497, 500, 501, 504, 507n, 510, 514, 516, 517, 547n, 600, 665, 685, 698, 707, 710.
- Gervais, John Lewis, *a delegate from South Carolina*, 3n.
- Gibbons, William, *a delegate from Georgia*. Attends, 641, 642; credentials, 569, 571. *Committees:* Week, 672, 715; Fox letter, 699. *Votes:* 681, 694, 695, 697, 700, 701, 702, 703, 704. *Mentioned*, 649.
- Gilbert, Robert, 587.
- Giles, Edward, 243.
- Gilfillan, T., letter, 596.
- Gill, Nicholas, 411.
- Gillon, Alexander, *a delegate from South Carolina*, 588; credentials, 646, 647n.
- Gimat, Major, 239.
- Gladden, Major, 162, 162n, 372.
- Glasscock, William, 94, 95.
- Glover, Jonathan, 340.
- Gold, 661.
- Goldsborough, Robert, 310.
- Gordon, William, 428; petition, 427, 428n.
- Gosselin, Clement, 98; petition, 80, 80n.
- Government, establishment of permanent seat of, 292, 293, 402, 403, 444, 445, 445n, 696, 697, 698, 699-700, 701, 702, 704, 707, 708; commissioners, 700, 704; ordinance, 704.
- Grand Committee, 48, 62n, 143n, 172, 185, 195, 211, 296, 297, 300, 311, 315, 356, 364, 394, 395, 402, 403, 404, 405, 406, 439n, 465, 506, 661n, 720; instructions to, 48n; report, 186, 263, 722.
- Grayson, William, *a delegate from Virginia*. Attends, 645n; credentials, 645, 645n; mentioned, 710.
- Great Britain, 596; withdrawal of forces from the U. S., 27; trade monopoly, 50, 270, 318, 321; encroachment on Massachusetts, 52; treaty with, 180, 357, 405, 616, 617, 625, 627, 719; U. S. Minister to, 356, 675; debts due U. S., 368; slaves and other property carried off by, 368; relinquishment of frontier posts, 376, 380, 404, 420, 428, 499, 515, 526, 530, 538, 635, 657, 658, 661; cession of navigation of the Mississippi, 689.
- Great Kanhawa River, 275.
- Green, John, 58, 59.
- Green, Timothy, petition, 226n.
- Green, William, 577, 578, 643, 648; letter, 664.
- Green, ———, claim, 234.
- Green, ———, 528.
- Green River, 115.
- Greene, Christopher, 253, 271.
- Greene, Nathanael, 124, 135, 200, 274, 282; letter, 198, 200, 220n, 232, 226n, 233, 233n, 401; expenses, 198, 199.

Greene, ———, 400.
 Greenwood, Nathaniel, 401; petition, 4, 14, 61, 62, 262.
 Griffin, Cyrus, letter, 340*n*, 341*n*.
 Griswold, Matthew, letter, 569*n*, 651*n*, 697.
 Groton, Connecticut, defense of, 722.

H

Habersham, James, 570, 571.
 Habersham, Joseph, *a delegate from Georgia*. Credentials, 569, 570.
 Hague, The, 579; United States agent at, 126, 342.
 Halfpay. *See* Pay.
 Halsted, John, petition, 163, 163*n*, 273, 400.
 Hamburg, treaty with, 180, 357.
 Hamilton, Alexander, *a delegate from New York*, motion, 402.
 Hamtramck, Henry, letter, 383, 383*n*.
 Hamtramck, John Francis, letter, 403.
 Hancock, John, 419, 662, 667; letter, 399, 528.
 Hand, Edward, *a delegate from Pennsylvania*. Attends, 170, 174, 175, 177. *Committees*: Sullivan and New Hampshire letters, 4*n*, 14, 17, 38; Greenwood petition, 4; Sullivan memorial, 14; New Hampshire letter, 17, 38; week, 15, 262, 363, 364, 587, 588, 714, 715; Carleton letter, 44*n*, 63, 426*n*, 593, 613, 624; de Brahm letter, 46, 69; Hand's motion, 47, 52; Knox letter, 54; Canadian refugee memorial, 62*n*, 76; Murnand letter, 63; Armand letter, 65, 66, 68, 70*n*; Luzerne or Minister of France letter, 66, 68; Cady memorial, 66*n*, 177; Armand resignation, 67*n*; Read motion, 72*n*, 73, 625, 627; Schuyler letter and Read motion, 73; Jackson memorial, 83; Phelon memorial, 84*n*; Duportail letter, 92; McIntosh letter, 94; grand, 72, 356, 394, 465, 467, 472, 506, 720, 722; Weise letter or memorial, 172*n*, 238, 253; Finnie letter, 179*n*; Schuyler memorial,

216*n*, 335; Livingston petition, 216*n*; Evans letter, 216*n*, 335; Gassaway account, 220; Hand motion, 238; Governor of Massachusetts letter, 244*n*; Superintendent of Finance letter, 252, 385*n*, 594, 600; Marcellin and Le Roy memorial, 262*n*, 386; Howell motion, 271; Gerry motion, 272, 488; Clinton letter, 287*n*; Read motion, 317, 321; Paine motion, 336; Harwood memorial, 363*n*, 383; Prentiss memorial, 364*n*, 409; Franklin petition, 364*n*, 615; Hodgdon letter, 375; New York motion, 381*n*; Hamtramck letter, 383, 383*n*; Wolcott and Butler letter, 389; Johnson memorial, 426; Bradford letter, 427*n*; Pierce letter, 427*n*, 591*n*, 598; States, 477, 561, 564, 713; application of New York, 487, 493; Dana's motion, 489, 529, 584; Fuller's memorial, 490*n*; Paymaster General letter, 505; revise file of reports, 527; Massachusetts letter and motion, 545; rules for Committee of the States, 569*n*; George Rogers Clark letter, 581; Hazard letter, 582; Shewell petition, 583; Thomson letter, 583; St. John's advertisement, 584; Martin letter, 595; Aycard letter, 598; Totten letter, 607; Lee and Butler letter, 615*n*. *Motions*: 47, 52, 238, 250, 263, 280, 282*n*, 314, 314*n*, 341, 428, 428*n*, 429*n*, 438*n*, 503, 521, 603, 604*n*, 632, 632*n*, 634, 635*n*. *Votes*: 20, 21, 28, 35, 41, 53, 177, 185, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 260, 264, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 313, 315, 331, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 379, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 431, 434, 435, 437, 439, 444, 453, 465, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524,

- 536, 537, 538, 540, 550, 551, 552, 554, 591, 605, 612, 630, 633. *Mentioned:* 47*n*, 48*n*, 52*n*, 53, 66*n*, 70*n*, 77, 200, 214, 222, 223, 238*n*, 263, 264, 272*n*, 273, 282, 282*n*, 335*n*, 336*n*, 337*n*, 341*n*, 364*n*, 383*n*, 387*n*, 410*n*, 420*n*, 429, 485, 489*n*, 503, 505, 529*n*, 553, 567, 568, 577*n*, 581*n*, 583*n*, 593*n*, 598*n*, 602, 607, 613*n*, 615*n*, 637, 638. Allowance to, 387; instructions to, 71; letter, 387, 388*n*, 399, 529; memorial, 525.
- Hardy, Samuel, *a delegate from Virginia*. Attends, 642; credentials, 645, 645*n*. *Committees:* Superintendent of Finance letter, 56, 509*n*, 556; week, 121, 364, 714, 715; Pierce letter, 198*n*; Patton memorial, 242; Franklin letter, 260; Howell motion, 262; Gerry motion, 272, 488; Perit memorial, 351; grand, 394, 472, 506, 722; Indian affairs, 464*n*; States, 477, 561, 564, 713; representation of New York delegates, 481; Dana motion, 489, 529; Fuller memorial, 490; Netherlands minister letter, 509; New York-Vermont controversy, 532; Massachusetts letter and motion, 545; Carleton letter, 650*n*; Read motion, 658*n*; Indian Commissioners letter, 659, 664; Finnie petition, 663*n*; Marbois note and navigation of the Mississippi, 665, 665*n*, 693; Lafayette letter, 673; letters from U. S. Ministers abroad, 674, 678; Kaskasia memorial, 677*n*; department of Foreign Affairs, 686*n*; Barclay letter, 686*n*; instructions to Minister to Spain, 705; Dickinson letter, 706*n*; qualifications, 713. *Motions:* 164, 293, 341, 345, 346, 347, 351, 356, 436, 592, 593*n*, 657, 660, 664, 664*n*, 700, 702. *Votes:* 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 175, 177, 185, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 244, 247, 249, 250, 251, 256, 257, 258, 259, 260, 264, 265, 282, 291, 292, 293, 295, 296, 297, 300, 311, 314, 315, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 555, 591, 605, 612, 630, 633, 681, 694, 695, 697, 700, 701, 702, 703, 704. *Mentioned:* 115, 121*n*, 174, 222, 242, 287, 294, 294*n*, 344, 350*n*, 354, 356, 407, 467, 484, 485, 567, 568, 587*n*, 589, 599, 602, 616, 626, 629, 637, 649, 700. Elected chairman of Committee of the States, 561; letter, 616, 626.
- Harmar, Josiah, 29; letter, 97*n*, 650*n*.
- Harpur, Robert, 167, 657, 664.
- Harrison, Benjamin, 645*n*; letter, 279*n*.
- Harrison, Charles, 411.
- Harrison, James, 9.
- Harrison, Robert Hanson, 709.
- Harrison, ———, 365.
- Hart, Thomas, memorial, 198, 198*n*.
- Hartley, David, 24, 28, 618, 623.
- Harwood, Benjamin, 404; memorial, 363, 363*n*, 383.
- Harwood, Thomas, 383.
- Havana, treatment of American merchants at, 384, 399, 601; governor's order, 601, 602; United States commercial agent, 385. *See also* Pollock, Oliver.
- Hawkins, Benjamin, *a delegate from North Carolina*. *Committees:* Ratification of Definitive Treaty, 22.
- Hazard, Ebenezer, 583; letter, 42*n*, 582, 582*n*, 650*n*.
- Hazen, Moses, 80, 91, 92, 99, 260, 399, 528; letter, 72*n*, 172*n*, 242, 243, 594; regiment, 402, 592.
- Head of Elk, Md., 615.
- Heard, James, petition, 672, 672*n*.
- Heer, Bartholomew von, petition, 508, 508*n*, 509.

- Heinekin, Jan Hendrick, memorial, 12, 12*n*.
- Heintz, Chevalier Jean de, 7.
- Hellstedt, Charles, 659.
- Henry, John, *a delegate from Maryland*. *Committees*: Davison information, 165*n*; Massachusetts instructions, 661.
- Henry, William, *a delegate from Pennsylvania*, attends, 642; credentials, 644. *Committees*: Thompson letter, 651*n*; Monroe motion, 660; Lafayette letter, 673*n*; Blair letter, 677*n*; Stockly letter, 677*n*; North letter, 693*n*; week, 715. *Votes*: 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 649, 663.
- Heron, James, 525.
- Hester, armed sloop, 351, 352.
- Hewes, Joseph, 504.
- Hewes, Josiah, 48.
- Hibernia, furnace, 55.
- Higginson, Stephen, 124, 134, 135, 273, 282; letter, 279*n*.
- Hillegas, Michael, 9, 708, 709.
- Hillhouse, William, *a delegate from Connecticut*, credentials, 16; *mentioned*, 16, 485.
- Hodgden, William, 144.
- Hodgdon, Samuel, letter, 41, 375, 375*n*.
- Holland. *See* United Netherlands.
- Holten, Samuel, *a delegate from Massachusetts*. Attends, 641, 642; credentials, 642, 647. *Committees*: Carleton letter, 220*n*, 650*n*, 698*n*; Halsted memorial, 273*n*; Indian affairs, 464*n*, Indian commissioners letters, 659, 664; revision of War Office, 672; letters from United States Ministers abroad, 674, 678; Ayot petition, 706; White petition, 708. *Votes*: 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 648, 710.
- Hoops, Adam, memorial, 490, 490*n*.
- Hope, ship, 340.
- Hopkins, John, letter, 664*n*.
- Hortalez & Co., Roderique, 566.
- Hospital, returns, 52, 54, 55, 437; department accounts, 90; school used as, 410; stores auctioned, 593.
- Houdin, Michael Gabriel, 68, 69; memorial, 13.
- Houston, William Churchill, *a delegate from New Jersey*. Attends, 642; credentials, 643. *Committees*: Morris letter, 653; Monroe motion, 658*n*; Read motion, 658*n*; Swedish consul, 659; Marbois note and navigation of Mississippi, 665, 665*n*; Rumsey petition, 672; letters from U. S. Ministers abroad, 674, 678. *Motion*: 701. *Votes*: 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 649, 688*n*, 701.
- Houstoun, John, 570.
- Houstoun, William, *a delegate from Georgia*. Attends, 568, 641, 642; credentials, 568, 569, 570. *Committees*: Superintendent of Finance letter, 385*n*, 600; Indian affairs in Southern department, 464*n*; States, 568, 713; rules for Committee of the States, 569*n*, 572; Totten letter, 607; Monroe motion, 658*n*; Lafayette letter, 673*n*; Marbois letter, 687, 693; instructions to Minister to Spain, 705; week, 857. *Votes*: 591, 605, 612, 630, 633, 681, 694, 695, 697, 700, 701, 702, 703, 704. *Mentioned*: 587*n*, 601*n*, 637, 638, 647, 649, 695, 706.
- Howe, Robert, letter, 62, 76.
- Howell, David, *a delegate from Rhode Island*. Attends, 642; credentials, 643. *Committees*: Ratification of definitive treaty, 5, 31*n*; Postmaster General letter, 8; Quaker address, 13; Paschke memorial, 15*n*, 36, 37*n*, 42, 698*n*; Superintendent of Finance letter, 22*n*, 86, 160, 161, 471; grand, 48, 172, 185, 356, 394, 465, 472, 506, 720, 722; Washington's commission, 54; Reed letter, 60, 585; Armand letter, 65; week, 72,

- 364, 373, 407, 714, 715; Lillie and others petition, 72*n*; Monroe motion, 75, 658*n*, 660; Canadian refugees memorial, 76, 86; Howell motion, 82, 142, 262, 217, 297, 319, 319*n*, 436, 465, 478; Selin petition, 82*n*, 91; irregularities of post office, 84; Phelon memorial, 84*n*; government of western territory, 118, 247, 719; Indian treaty, 124-5, 152, 154; Cazeau memorial, 147; instructions to Indian commissioners, 152; North letter, 163*n*, 695*n*; Davison information, 165*n*; Lee letter, 167, 168*n*; Inspector General department, 168; Weise letter, 172*n*, 238, 253; Steuben letter, 178, 230; Finnie letter, 179*n*; possession of western posts, 180*n*, 201, 376, 428, 720; Schuyler memorial, 216*n*, 335; Livingston petition, 216*n*; Evans letter, 216*n*, 335; Steuben resignation, 217; Hand motion, 238; disposal of western lands, 324, 356; Beatty letter, 407*n*; French Minister's note, 478; Read motion, 658*n*; Swedish consul, 659; Hopkins letter, 664*n*; revision of War Office, 672; Kaskasia memorial, 677*n*; qualifications, 713. *Motions*: 12, 28, 38, 48, 74, 75, 82, 84, 99, 108, 113, 116*n*, 117, 122, 123, 130, 136, 138, 142, 160, 163, 214, 248*n*, 253, 257, 262, 271, 282, 287, 291, 297, 339*n*, 342, 343, 345, 354, 399, 424, 428, 431, 436, 437*n*, 443, 478, 485, 649, 655, 677*n*, 696, 696*n*, 697, 703, 707, 707*n*. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 130, 131, 132, 134, 136, 138, 139, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 694, 697, 700, 701, 702, 703. *Mentioned*: 6, 12*n*, 28, 53, 60*n*, 67, 75*n*, 82, 82*n*, 85*n*, 91*n*, 98, 100*n*, 106, 122, 130, 133, 138*n*, 155*n*, 160, 160*n*, 161*n*, 162*n*, 163, 163*n*, 168*n*, 169, 196, 198, 199, 218, 222, 230*n*, 247, 250, 253*n*, 257, 262*n*, 273, 288*n*, 297*n*, 309*n*, 343, 349, 353, 355, 365, 366, 374*n*, 378, 385, 386, 407, 407*n*, 409, 411*n*, 417*n*, 418, 438, 440, 453, 476*n*, 477, 477*n*, 486, 486*n*, 499, 511, 528, 556, 649, 650, 694, 700, 701, 702, 703, 707, 708, 723. Letter, 341*n*; right to sit in Congress, 412, 414, 416, 417, 420, 421, 422; vote objected to, 409, 411.
- Howley, Richard, 95.
- Hull, Joseph, 351, 352.
- Hull, William, 556.
- Humphreys, David, 375; letter, 220*n*.
- Humpton, Richard, letter, 374, 386, 387*n*, 400.
- Hundreds, division of States, 446, 447.
- Huntington, B., letter, 594, 600.
- Huntington, Samuel, *a delegate from Connecticut*. Resignation, 16. *Committees*: Powers of Committee of the States, 47. *Mentioned*: 93.
- Huron & Belzoen, letter, 567*n*.
- Hutchins, Anthony, memorial, 401.
- Hutchins, Thomas, letter, 255*n*.
- Hutchins & Elliott, memorial, 402.
- Hydra, ship, 577, 578.

I

- Illinois (State of), 120.
- Illinois, land grant, 626.
- Illinois River, post at mouth, 207.
- Imports, 400.
- Impost, 187, 209, 270, 271, 298, 302, 319; act, 221; New Hampshire act, 110. *See also* Tariff.

- Independence, acknowledged by Great Britain, 24.
- Indiana, claim to, 110.
- Indiana Company, 110.
- Indians, 122, 123, 154, 155, 171, 465, 528, 550; affairs, 625; agent, 462; British influence with, 463; Christianity, 660; claims against, 454; commissioners to negotiate with, 123, 124, 125, 129, 130, 131, 133, 134, 141, 152, 153, 154, 155, 198, 207-8, 238, 273, 274, 282, 433, 435, 464, 466, 552, 553, 581, 582, 599, 659; Committee on Indian Affairs, 461, 595, 596; conference at Charleston, 454; deputies, 73; Eastern, 11; education of youth, 404, 582; friendly, 461, 463; goods for, 389, 408, 460, 553; land cession, 153; lands, 186, 297, 301, 404, 625, 626; map of lands, 658; Middle Department, 134, 135, 453; missionary, 660; Northern Department, 134, 135, 453; peace, 84, 108, 153, 581; Superintendents of, 464; Southern Department, 398, 453, 454, 455, 456, 457, 461, 528, 550, 596, 722; trade, 461, 462; traders, 72; treaties, 71, 74, 123, 124, 125, 129, 135, 152, 153, 154, 238, 273, 274, 282, 389, 407, 408, 551, 552, 553, 599, 625, 658, 659, 723. Tribes—Cherokees, 134, 454, 625; Chickasaws, 461, 464; Choctaws, 463; Creeks, 463; Delawares, 153; Moravians, 402; Oneidas, 660*n*; Shawanese, 153; Six Nations, 71, 72, 153, 659, 723. War, 454, 626, 634; Western Department, 72, 625.
- Infantry, 54, 55.
- Inspector General department, 168.
- Inspector of Army, 230.
- Inspector of Contracts, 200.
- Interest, 194, 302, 507, 720; arrears, 185, 186, 213, 263, 296, 297, 299, 300, 301, 303, 311; certificates, 543; on Continental bills, 395, 396; on loan office certificates, 32, 33; on the public debt, 48; payment, 188.
- Invalids, 253, 254, 255, 403, 528.
- Invention, 401.
- Iron-master, 41.
- Izard, Ralph, *a delegate from South Carolina. Mentioned: 7*n*. Committees: Washington letter, 7.*
- J
- Jackson, Henry, 54; memorial, 399.
- Jackson, Michael, memorial, 83, 527.
- Jail, 126.
- James I, grant to Roswell and others, 547, 667-8.
- Jay, John, *a delegate from New York. Attends, 661; credentials, 656, 657*n*. Committees: Marbois note and navigation of the Mississippi, 665, 665*n*; Lafayette letter, 673, 673*n*; Barclay letter, 686*n*; French chargé note, 690, 691, 691*n*, 692*n*, 693; Fleury letter, 692; Barré petition, 692; instructions to ministers to Spain, 705. *Motions: 683, 685, 698*n*. Votes: 694, 697, 701. Mentioned: 23, 24, 28, 144, 342, 345, 355, 356, 362, 618, 623, 669, 672*n*, 673*n*, 680*n*, 683*n*, 685*n*, 686*n*, 691*n*, 692*n*, 696, 697, 698, 705, 706*n*. Instructions to, 405, 489.**
- Jefferson, Thomas, *a delegate from Virginia. Committees: Revision of files, 2; ratification of Definitive Treaty, 5, 6*n*, 22*n*; New Hampshire legislature letter, 17, 38; Williams and Jefferson letters, 21*n*; Allan letter, 41*n*, 52; powers of Committee of the States, 47*n*, 288, 443, 447; grand, 48, 172, 185, 356, 465, 720; Gerry motion, 49, 50, 340*n*, commercial affairs, 50, 269, 317, 320*n*; Pennsylvania instructions, 50; Carleton letter, 51; Washington commission, 54; Pollock letter, 62*n*; Canadian refugees memorial, 62*n*, 76; Schuyler letter, 62*n*; French Minister's note, 77, 78, 393, 394; Tarrasson petition, 97*n*; De Witt*

- letter, 97*n*; Connecticut letter, 100; Osgood motion, 103*n*; government of Western Territory, 118, 246, 719; qualifications, 120, 137, 156, 713, 720; Indian treaty, 124-5; reduction of civil list, 125-6, 164, 342; Franklin and Barclay letters, 143; instructions to Indian commissioners, 152, 154; letters from U. S. Ministers etc., 169; Greene letter, 198; Hand motion, 282*n*; payment to Mercer, 309; King of France letter, 239-40; locating and disposing of western lands, 324, 356; Superintendent of Finance letter, 332, 384, 480*n*; sea letters, 339*n*; Butler petition, 363*n*; Wolcott and Butler letter, 389*n*; Mediterranean passports, 390; Indian affairs in Southern department, 453; Indian affairs, 722. *Motions*: 105, 106, 213, 222, 224, 226, 227, 227*n*, 228, 263, 309*n*, 331, 331*n*. *Votes*: 20, 21, 29, 35, 41, 53, 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 170, 175, 177, 185, 211, 214, 215, 222, 223, 224; 225, 226, 228, 229, 230, 231, 237, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 314, 315, 332. *Mentioned*: 3*n*, 20*n*, 35, 36*n*, 38, 46, 48*n*, 50*n*, 53*n*, 73, 115, 116*n*, 120*n*, 127*n*, 141, 143, 154*n*, 256, 257, 279*n*, 287*n*, 309*n*, 316*n*, 330*n*, 373, 397*n*, 471, 477*n*, 674. Elected chairman of Congress, 172; elected minister to England, 356; commission, 362, 530; salary advance to, 365; journey to Europe, 365; to negotiate commercial treaties, 579.
- Jenifer, Daniel of St. Thomas, 546, 649.
- Johnson, B., petition, 410, 426*n*.
- Johnson, Thomas, 710.
- Johnson, William Samuel, *a delegate from Connecticut*. *Committees*: North letter, 693*n*.
- Johnston, Gershom, 582, 583.
- Jolibois, Jaque or John, 233; letter, 695*n*.
- Jones, Daniel, 44, 145; letter, 677*n*, 695*n*; elected chaplain, 693.
- Jones, David, letter, 171, 185*n*.
- Journals of Congress, 48, 528, 724.

K

- Kalb, Henry Jules Alexandre von Robaui, Baron de, 239, 399, 528; accounts, 376.
- Kaskaskia, 144; inhabitants, memorial, 677*n*.
- Keith, Robert, 148.
- Kendall, Joseph, memorial, 407, 407*n*.
- Kentucky, petition from, 3*n*.
- Kilty, John, jr., 542*n*, 561*n*, 567*n*, 568*n*, 573*n*, 588*n*.
- King, Rufus, *a delegate from Massachusetts*. *Credentials*, 661, 662, 662*n*. *Committees*: Davison information, 165*n*; Beatty letter, 407*n*; Morris letter, 653*n*; French chargé note, 691*n*, 692*n*; North letter, 693*n*; week, 715. *Motions*: 707, 708. *Votes*: 681, 697, 700, 701, 702, 703. *Mentioned*: 707, 707*n*, 710.
- Kirk, John, memorial, 404.
- Kirkland, Samuel, 660.
- Knights of Divine Providence, 7.
- Knox, Henry, 44*n*, 55, 230, 499, 500, 515, 556; letter, 54, 164, 400, 419, 420*n*; Congress appreciation, 55.

L

- Lady Washington*, packet, 165.
- Lafayette, Marie Jean Paul Roche Yves Gilbert du Motier, Marquis de, 333, 335, 680*n*; letter, 144, 145*n*, 332, 471, 672*n*, 673, 673*n*, 685*n*; Congress letter to, 332; reception by Congress and sense of his services, 673, 674, 680, 682, 683; on leaving America, 673; presented with standard captured at Yorktown, 679; reply to Congress, 684.
- La Forêt, Sieur de, 78, 79, 597.

- L'Aimable Elizabeth*, brig, 411, 583.
 Lake Champlain, 207.
 Lake Superior, 207.
 La Luzerne, Anne Cesar, Chevalier de, 240; letter, 66, 394, 394*n*, 478.
 Lamb, John, memorial, 400.
 Lambertson, New Jersey, 700.
 Lancaster, Pennsylvania, military stores at, 614.
 Land, western cessions, 89, 90, 196, 275, 432*n*, 586, 658; bounty, 115; cession by Indians, 153; purchases, 186, 404, 448; divided into states, 275, 276; grants to soldiers, 330, 405, 452; ordinance for locating etc., 356, 446, 722; office, 374; Indian, 404, 626; titles, 450; warrants, 447, 448, 449, 450; records, 448, 449, 450, 451; sale, 449, 450, 451; Illinois grant, 626; western, 650*n*, 722; squatters, 626; map, 658; commissioners, 658.
 Landais, Pierre, 369.
 Lanenville, Brigadier-general, memorial, 651*n*.
 Langle, Chevalier de, 246, 652, 653.
 Lansing, John, jr., *a delegate from New York*. Credentials, 166, 656.
 La Radière, Lewis de, 239.
 La Rouerie, Charles Armand-Tuffin, Marquis de. *See* Armand-Tuffin.
 Laurens, Henry, *a delegate from South Carolina*. Credentials, 646, 647*n*; letter, 405.
 Laurens, John, 588.
 Law, Richard, *a delegate from Connecticut*, resignation, 16.
 Lawrence, Jonathan, letter, 97*n*.
 Lee, Arthur, *a delegate from Virginia*. *Committees*: Philip Moore memorial, 1; Blaine letter, 3; Conyngham memorial, 7; Washington letter, 7; letter to United States ministers to Paris, 8; Heinekin memorial, 12; Sudler petition, 12; Quaker address, 13; Paschke memorial, 15*n*, 36, 37*n*, 42; New Hampshire legislature letter, 17, 38; Williams and Trumbull letters, 21*n*; Superintendent of Finance letter, 22*n*, 93*n*, 160, 161, 172*n*, 388, 480, 594; ratification of Definitive Treaty, 35; Butler petition, 45, 526; powers of Committee of the States, 47; Gerry motion, 49, 50, 212*n*, 245; commercial affairs, 50; Carleton letter, 51; Van Berckel letter, 59; Reed letter, 60, 585; Schuyler letter, 62*n*, 73; Clinton letter, 67*n*, 93; Read motion, 72*n*, 73; Hazen letter, 72*n*, 242; Howell motion, 75, 84, 108; French minister's note, 77, 78, 239; Superintendent of Finance report on Pennsylvania, 87, 540; Connecticut letter, 100, 135; settlement of army accounts, 102*n*; Indian treaty, 124-5; loan office certificates, 128; Indian affairs, 154; Williamson motion, 162; Lee motion, 163*n*; deserters, 164; Armand letter, 170; Ellery motion, 171, 377; report on the *Alliance*, 171*n*; Steuben letter, 178, 179*n*; possession of western posts, 180*n*, 201, 376, 428; Greene letter, 199, 200, 232, 233*n*; Superintendent of Finance and Marine Office letter, 209; Paine motion, 213, 336; President of Pennsylvania letter, 216; Steuben resignation, 217; Secretary at War letter, 233; Williams letter, 265; Wolcott and Butler letter, 389, 389*n*; seat of government, 444; Beaumarchais letter, 566. *Motions*: 125*n*, 163*n*, 365, 407, 551. *Votes*: 20, 21, 29, 35, 53, 106, 107, 108, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 177, 185, 197, 201, 211, 214, 215, 343, 344, 345, 349, 353, 354, 379, 382, 386, 409, 413, 415, 416, 429, 437, 439, 444, 465, 467, 468, 469, 491, 492, 495, 496, 497, 511, 512, 513, 514, 516, 517, 518, 523, 524, 536, 537, 550, 551, 552, 555. *Mentioned*: 7*n*, 12*n*, 36*n*, 44, 48, 51*n*, 60*n*, 73, 74*n*, 77, 84*n*, 93*n*, 102*n*, 109, 115, 123, 125*n*, 129*n*, 135, 162*n*, 163, 171*n*, 211, 212*n*, 213, 213*n*, 217*n*, 233*n*, 282, 372*n*, 385, 389*n*, 390*n*, 408*n*, 413, 414, 467, 552, 600. Letter, 167,

- 399, 529, 598, 650_n, 659, 660_n, 679_n;
U. S. agent abroad, 167, 168; claim,
168.
- Lee, Arthur, and Richard Butler,
letter, 615_n.
- Lee, Charles, 708, 709.
- Lec, Henry, legion, 592; settlement of
dragoons account, 672.
- Lee, Richard Henry, *a delegate from
Virginia*. Attends, 641, 642; creden-
tials, 645, 645_n. *Committees*: Smith
petition, 720; western posts, 720;
Pennsylvania accounts, 723. *Votes*:
681, 694, 695, 697, 700, 701, 702, 703,
704. *Mentioned*: 649, 677, 683, 696_n.
Elected President of Congress, 649.
- Leghorn, United States consul at, 121.
- Liebert, Philip, petition, 80, 80_n.
- L'Enfant, Pierre Charles, 66.
- Le Roy, Nicholas George, 66, 68, 69,
374; memorial, 386, 387; petition, 262.
- Letombe, ———, *Sieur de*, 77, 79.
- Lewis, Francis, petition, 696.
- Libert, ———, 98.
- Library Company, of Philadelphia, 48.
- Liebert, L., memorial, 87_n.
- Lillie, Liebert, Gosselin, Diony, and
Selin, petition, 72_n.
- Lincoln, Benjamin, 44_n, 282, 401;
letter, 242.
- Lisbon, Portugal, American prisoners
of war at, 372.
- Livingston, Henry Brockholst, memo-
rial, 176, 176_n, 362, 363, 363_n, 399,
528.
- Livingston, James, petition, 216, 216_n,
401.
- Livingston, Robert R., *a delegate from
New York*. Attends, 663; creden-
tials, 663, 664_n. *Committees*: Lee let-
ter, 168_n; Doughty letter, 681; de-
partment of Foreign Affairs, 685_n;
North letter, 692_n, 693_n; Dickin-
son letter, 706. *Votes*: 681, 700, 701,
702, 703. *Mentioned*: 104, 669, 687_n,
710.
- Livingston, Walter, *a delegate from New
York*. Attends, 663; credentials, 166,
656, 657_n. *Votes*: 681, 700, 701, 702,
703. *Mentioned*: 669, 710.
- Livingston, William, 201, 644; letter,
170.
- Lloyd, Edward, *a delegate from Mary-
land*. *Committees*: Week, 72, 714;
Lillie petition, 72_n. *Votes*: 20, 21, 29,
35, 41, 53. *Mentioned*: 38, 72.
- Loan office, 406, 472, 473, accounts,
407; certificates, 32, 34, 128, 129,
195, 300, 312, 313, 326, 403, 471;
debt, 187, 188, 211, 264, 298, 302;
receipt, 406.
- Loan officers, 396; appointed, 406; com-
mission, 406, 473.
- Loans, 440.
- Long, Pierce, *a delegate from New Jer-
sey*. *Committees*: 672.
- Longchamps, Chevalier de, assault on
Marbois, 478.
- L'Orient, 241, 333, 334.
- Loudon, Samuel, 724.
- Louis XVI, Congress letter to, 241, 683;
letter to Congress, 239, 240, 674;
portrait, 239, 240, 241; statue, 598.
- Louisiana, 687, 688, 690.
- Lowell, James, 710.
- Loyalists, property, 26, 30, 31, 621, 719.
- Lucas, John, memorial, 401.
- Lusannah*, brig, 17, 18, 19, 38, 39, 40,
53, 151, 156, 163, 167, 174, 363_n.
- Lytle, Andrew, 557; memorial, 402,
546, 556.

M

- McClary*, brig, 17, 18, 39.
- McClenachan, Blair, memorial, 121_n.
- McComb, Eleazer, *a delegate from Dela-
ware*. *Committees*: letter from Post-
master General, 8; ratification of De-
finitive Treaty, 35. *Votes*: 20, 21,
29, 35.
- McDougall, Alexander, *a delegate from
New York*. Credentials, 166. *Men-
tioned*: 485, 493.

- McHenry, James, *a delegate from Maryland*. Attends, 170, 635. *Committees*: Washington letter, 7; powers of Committee of the States, 47; reduction of civil list, 125-6, 164, 342; week, 216, 490, 508, 509, 525, 556, 714, 715; Carleton letter, 220*n*; Strubing petition, 231; Secretary at War letter, 233; Mann claim, 309; McHenry motion, 255*n*; Netherlands minister's letter, 509; Superintendent of Finance letter, 509*n*, 556; revision of files, 527*n*; Read motion, 530; of the States, 635; Massachusetts instructions, 661*n*; Paschke petition, 698*n*. *Motions*: 50, 176, 197, 253, 255*n*, 288, 292, 505, 508*n*, 509*n*, 525*n*, 551, 556*n*. *Votes*: 174, 175, 177, 185, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 291, 292, 293, 295, 296, 300, 311, 314, 315, 485, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 177, 197, 216*n*, 223, 259, 290, 291, 292*n*, 293, 296, 314, 485.
- McIntosh, Lachlan, *a delegate from Georgia*. Credentials, 569, 571. *Mentioned*: 96, 399. Letter, 94, 95, 97*n*, 528.
- McMechan, James, 401.
- Madison, James, *a delegate from Virginia*. *Committees*: 233.
- Madrid, 693; United States chargé d'affaires at, 126, 164, 342.
- Magazines, 402.
- Mail, robbery, 9, 10, 34, 201, 402; southern, 82, 84; northern, 84; franking privilege, 314; irregularity, 399, 527; foreign, 584.
- Mann, George, account against Congress, 309, 310, 310*n*.
- Manning, James, 672.
- Manning, Phineas, petition, 651*n*.
- Marbois, Francois de Barbé, Marquis de, 77, 78, 79, 394, 597, 688, 692; assault upon, 478, 502, 564; letter, 665, 687, 688, 693.
- Marcellin, ———, 66, 68, 69, 374; petition, 262, 386, 387.
- Marcellin, ———, and ——— LeRoy, memorial, 400.
- Marchant, Henry, *a delegate from Rhode Island*, 378.
- Marie Antoinette, portrait, 239, 240, 241.
- Marine, Agent of, 14, 62, 126, 127, 132, 171, 226*n*, 340, 342, 365, 410, 426*n*, 432*n*, 567*n*, 580; letter, 209, 210, 234, 234*n*, 342.
- Marine Committee, 340.
- Marine department, 297, 410; accounts, 21, 22, 545, 556, 692; expense, 186.
- Marine, merchant. *See* Merchant marine.
- Marine, Secretary, 127, 704.
- Marseilles, France, 241, 334; United States consul at, 121.
- Martin, Alexander, 392, 645, 646, 686*n*.
- Martin, James, 9.
- Martin, John, 586*n*; letter, 595, 595*n*, 596.
- Martindale, Lyon, 61.
- Maryland, 402, 537; French consul, 78, 79; Indian commissioner, 123; quota of public debt, 128, 173; ratification of Confederation, 142; troops, 205; money for Government buildings, 223, 294; bills of credit, 383; motion, 521.
- Maryland Gazette, The, 624, 624*n*.
- Massachusetts, 11, 144, 152, 484, 662, 663, 666; governor, 36*n*, 52; governor's letter, 244, 394, 395, 545, 722, 723; governor and company, 668; British encroachments on, 52; French consul, 77, 79; delegates, 120, 121; delegates' qualifications, 158, 159; delegates' motion, 226, 356, 465, 537, 545; delegates' letter, 587*n*; delegates' credentials, 419, 642, 648, 662;

- instructions to delegates, 661*n*; Indian commissioner, 123; quota of public debt, 128, 173, 508; troops, 202, 203, 204, 205, 500, 515; accounts, 272, 398, 545, 546; and the New Hampshire grants, 283; expenses in Penobscot expedition, 395, 722; act, 399, 613; letter, 404; pay for troops, 436, 500, 515; ox teams, 507, 508; coast guard, 545; petition, 547; boundary, 547, 549, 666, 678, 709, 710; Roswell's grant, 548, 549; vests powers in Congress, 613; representation on Committee of the States, 635, 636; credentials of agents, 666, 667*n*.
- Massachusetts Bay, Company of, 549.
- Matthews, ———, 645.
- Measam, George, 400, 404.
- Medicines, 509*n*.
- Mediterranean Sea, passports, 340, 390, 595, 608; free entry ports for United States, 145.
- Melcher, Isaac, letter, 578*n*.
- Menard, Jean, petition, 685.
- Mennonites, petition, 374.
- Mentges, Francis, 200, 232, 233.
- Mercer, Hugh, son of, 309.
- Mercer, John Francis, *a delegate from Virginia*. Attends, 150; credentials, 645, 645*n*. *Committees*: Lee motion, 163*n*; possession of western posts, 180*n*, 201, 376, 428, 720; Superintendent of Finance letter, 255*n*; week, 261, 715; New York motion, 381*n*; application of New York, 487; Lafayette letter, 673*n*; Devine petition, 695*n*; Lewis and Alsop petition, 696. *Motions*: 184, 211, 297, 379, 411, 414, 424*n*, 484, 674. *Votes*: 151, 152, 159, 160, 165, 170, 175, 177, 185, 197, 201, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 321, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 386, 379, 382, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 434, 435, 437, 439, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 536, 537, 538, 540, 550, 552, 554. *Mentioned*: 28, 29, 50, 83, 135, 156, 373, 418, 505, 551, 719. Instructions to, 71; thanked by Congress, 553.
- Military department, 186, 297, 298, 301.
- Militia, 537, 552.
- Millar, William, memorial, 411.
- Milligan, James, 525.
- Milton, J., 570.
- Minerva*, ship, 12.
- 415, 416, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 495, 496, 497, 498, 499, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 537, 538, 540, 550, 551, 552, 555, 681, 694, 695, 696, 701, 702, 703, 704. *Mentioned*: 184, 207*n*, 292, 300, 409, 413*n*, 414*n*, 418, 432, 436, 485, 486, 512, 521, 527*n*, 551, 555.
- Merchant marine, 319.
- Mercier, ——— de, letter, 400.
- Mesplet, Fleury, memorial, 385.
- Messengers, 127.
- Metropotamia (State of), 120.
- Michigania (State of), 119.
- Michilimackinac, 202, 204, 207; Indian treaty, 72; British retention of, 661.
- Mifflin, Thomas, *a delegate from Pennsylvania*. *Committees*: Deputy Secretary for Foreign Affairs, 50*n*. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 141, 142, 151, 152, 159, 160, 165, 170, 177, 185, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 260, 264, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 313, 315, 321, 331, 343, 344, 345, 347, 348, 349, 350, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 434, 435, 437, 439, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 536, 537, 538, 540, 550, 552, 554. *Mentioned*: 28, 29, 50, 83, 135, 156, 373, 418, 505, 551, 719. Instructions to, 71; thanked by Congress, 553.

- Ministers, United States, abroad, 126, 127, 144, 357, 405, 674, 693, 694, 695; letters, 169, 331, 367, 405, 674; salaries, 342, 349, 350, 353, 354, 404, 405; number in Europe, 345; instructions, 361, 405, 674, 676; secretary, 365; discontinuance of, 367; to negotiate commercial treaties, 529; to Netherlands, 674; to Great Britain, 676; to France, 685.
- Mint, 71, 404. *See also* Massachusetts, instructions to delegates.
- Missionary, for Indians, 660.
- Mississippi River, navigation, 27, 489, 490, 530, 623, 665, 665*n*, 687, 688, 689, 690, 693, 705, 706.
- Money, Continental, 404; signing of, 363, 383; receivers, 406; brought from Boston, 652, 653.
- Monroe, James, *a delegate from Virginia*. Attends, 641, 642; credentials, 645, 645*n*. *Committees*: Houdin and Thacher memorials, 13; week, 15, 82, 84, 364, 374, 407, 714, 715; Superintendent of Finance letter, 41, 86, 653*n*; Ward and Frothingham memorial, 48; Chever memorial, 49; sea letters, 58; Monroe motion, 75, 658*n*; Canadian refugee memorial, 76, 86; Pierce letter, 80; Selin petition, 82*n*, 91; Duportail letter, 92; McIntosh letter, 94; Howell motion, 99; Cazeau memorial, 147; Gamble memorial, 237; reports pending, 397; Connecticut cession, 432*n*: seat of government, 444; Gerry motion, 488; Dana motion, 489, 529; revision of files, 527; Fuller memorial, 490*n*; Read motion, 530; Massachusetts petition, 547; credentials, 647; Carleton letter, 650*n*, 698*n*; Swedish consul, 659; Indian commissioners letter, 659, 664; Marbois note and navigation of the Mississippi, 665, 665*n*, 687, 693; revision of War Office, 672; Doughty letter, 681; Olivier letter, 685; Barclay letter, 686*n*; North letter, 692*n*, 693*n*; Jolibois letter, 695*n*; Devine petition, 695*n*; instructions to minister to Spain, 705; Ayot petition, 706. *Motions*: 75, 75*n*, 86, 223, 223*n*, 413, 439*n*, 499, 500*n*, 512, 515, 519, 657, 658, 658*n*, 660. *Votes*: 20, 21, 29, 35, 41, 53, 107, 108, 111, 112, 115, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 175, 177, 185, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 275, 279, 282, 291, 292, 293, 295, 296, 300, 314, 315, 321, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 386, 413, 415, 416, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 523, 524, 536, 537, 538, 540, 552, 555, 681, 694, 695, 700, 701, 702, 703, 704. *Mentioned*: 36*n*, 59*n*, 83, 138, 150*n*, 224, 428, 477*n*, 649, 659*n*, 661*n*, 665, 682*n*, 688*n*, 700, 706*n*, 710.
- Montgomery, James, *a delegate from Pennsylvania*. Attends, 44. *Committees*: Grand, 48, 185; week, 66, 84, 471, 472, 714, 715; Cady memorial, 66; Read motion, 310. *Motions*: 111, 141, 222. *Votes*: 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 134, 136, 138, 139, 141, 142, 151, 170, 174, 175, 177, 219, 222, 223, 224, 225, 226, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 260, 264, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 313, 315, 321, 331, 343, 344, 345, 346, 347, 348, 349, 353, 354, 355, 366, 367, 379, 380, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536,

- 537, 538, 540. *Mentioned*: 98, 116, 125*n*, 132, 133, 137, 256, 257, 280, 282, 341, 428, 428*n*, 438*n*, 503. Instructions to, 71.
- Montgomery, Richard, 260; monument, 504.
- Montgomery, Robert, 144.
- Montgomery, William, *a delegate from Pennsylvania*. Credentials, 644.
- Moore, James, 1, 2.
- Moore, Philip, memorial, 1; letter, 97*n*.
- Morant, ———, 399; commission, 528.
- Moravian Indians. *See* Indians.
- Morgan, George, 582; petition, 110, 112, 121*n*; letter, 287*n*.
- Morocco, Emperor of, 144, 391, 608; Mediterranean passport, 339; treaty, 340, 361, 362, 390, 595.
- Morris, Cadwalader, *a delegate from Pennsylvania*. Credentials, 642.
- Morris, Charles, *a delegate from Pennsylvania*. *Committees*: Philip Moore memorial, 1; Superintendent of Finance report, 171; week, 37, 714. *Votes*: 28, 35.
- Morris, Robert, 14*n*, 86, 220, 480, 708, 709; letter, 11, 93, 650–51, 653, 653*n*; report, 61; management of finances, 465; resignation, 653. *See also* Superintendent of Finance.
- Moses, Isaac, 179, 179*n*.
- Motions, out of order, 495, 498.
- Moultrie, William, *a delegate from South Carolina*. Credentials, 646.
- Mount Hope, furnace, 55.
- Murnand, Jean Bernard de, 66; letter, 63, 64*n*; resignation, 64.
- Murray, Reuben, petition, 588, 589*n*.
- Myers, Moses, 179.
- N
- Naney*, schooner, 162, 162*n*, 372.
- Naples, treaty with, 357.
- Nash, Clement, 94.
- Natchez, inhabitants, memorial, 401.
- National debt. *See* Debt, public.
- Navy, British, 399.
- Navy, pay, 160, 161, 234, 580; officers, 234, 404, 580.
- Navy Board, supplies for, 410; accounts, 545.
- Negroes, 596, 622.
- Netherlands. *See* United Netherlands.
- New England Council, 668; Roswell's grant, 548.
- New Hampshire, 39, 151, 175; legislature, 3*n*, 4*n*; letter, 17, 18*n*, 38, 53, 151, 156, 163, 167, 174; act, 39, 110; courts, 18, 19; representation in Congress, 74, 109, 654; French consul, 77, 79; credentials of delegates, 89, 654; Indian commissioner, 123; quota of public debt, 128, 173; troops, 202, 203, 204, 205; census, 383; pay for U. S. troops, 436, 500, 515; Congress guarantee to, 484, 533; representation on Committee of the States, 635, 636.
- New Hampshire grants. *See* Vermont.
- New Jersey, 193, 226, 308, 537, 678, 680; representation in Congress, 74; French consul, 78, 79; land controversy with Virginia, 110, 111, 112; Indian commissioner, 123; quota of public debt, 128, 173; troops, 205, 526, 530, 539; act, 208; bells removed to, 213; governor, 365; representation on the Committee of the States, 636; credentials of delegates, 643, 648; newspapers, 657; legislature, 707.
- New London, Conn., defense of, 722.
- New York, 110, 350, 352, 662, 663, 666; governor, 55; governor's letter, 62*n*, 93, 398, 493; representation in Congress, 74; Indian commissioner, 123; quota of public debt, 128, 173; cession of western lands, 143, 658; frontier posts in, 179, 381; troops, 180, 248, 381; delegates, 247, 283; delegates motion, 364, 379, 380, 381, 381*n*, 382, 425, 437, 481*n*, 496; act, 247; controversy with New Hampshire, 283, 284, 285, 286, 481, 482,

- 484, 532, 533-4, 535, 536; pay depreciation, 336; instructions to delegates, 336, 379; resolves, 403, 493; delegates memorial, 481; agents in New Hampshire controversy, 482; Congress guarantee to, 484; troops, 487, 513, 514, 526, 528, 530, 539; return of arms to, 493, 494; committee, 519; officers, 531, 539; disorders in, 535, 536; boundary dispute with Massachusetts, 547, 549, 666, 669, 678, 709, 710; Congress notice to, 547; representation on the Committee of the States, 631; credentials of delegates, 656, 663, 667; newspapers, 657.
- New York City, troops at, 54, 55; French consul at, 78, 79; bells, 213, 336, 337; British ordnance left in, 400.
- Newfoundland fisheries, 620.
- Newport, R. I., Congress at, 221, 222, 293; seat of government, 702.
- Newspapers, for delegates, 657.
- Niagara, 204, 207, 501; British post at, 202; troops for, 389.
- North, William, 230; letter, 163*n*, 692*n*, 695*n*.
- North Carolina, 152, 345; French consul at, 78, 79; Indian commissioner, 123; quota of public debt, 128, 173; troops, 205; delegates, 372, 391, 434, 586; act, 586; cession of western lands 586; credentials of delegates, 645, 648.
- Northwest frontier, protection of, 428.
- Northwestern posts, British withdrawal, from, 657, 658, 661.
- Northwest Territory, 90, 113, 116, 650*n*; States formed from, 114; county lands, 115; plan of government, 719.
- Nourse, Joseph, memorial, 405, 410, 426*n*.
- Nova Scotia, encroachment on Massachusetts lands, 52.
- O
- Oaths, of fidelity and office, 442, 479, 480.
- Officers, 505; foreign, 37, 43, 66, 68, 72, 91, 92, 170, 210, 377, 386; accounts, 44, 505, 506; pay and half pay, 49, 51, 80, 100, 101, 135, 160, 161, 234, 265, 266, 267, 268, 377, 404, 580; Canadians, 80, 99, 244; memorials and petitions, 80, 234, 242, 404; French, 170, 210, 690; not to hold two commissions, 232; naval, 234, 404, 580; land for, 405, 452; staff, 531; for standing army, 531, 539. Engineers, *see* Engineers.
- Ohio, land grant, 374; lands northwest of, 650*n*. *See also* Northwest Territory.
- Ohio River, post at mouth, 207; rapids, 275.
- Olden, Joseph, 201.
- Olivie, Lawrence, 98; petition, 80, 80*n*.
- Olivier, Laurens, letter, 685*n*.
- Oneida Indians. *See* Indians, Tribes.
- Ordinances, 573, 608.
- Ordnance, for western posts, 180; left in New York, by British, 400.
- Osborn, Adlai, *a delegate from North Carolina*, credentials, 645.
- Osgood, Samuel, *a delegate from Massachusetts*. *Committees*: Memorial of public creditors, 10*n*, 32; Morris letter, 11*n*; Sudler petition, 12; Quaker address, 13; Philip Moore memorial, 1; Armand letter, 37*n*; Allan letter, 41*n*, 52; Duportail letter, 42; Postmaster General letter, 44; powers of Committee of the States, 47*n*, 288, 443, 474; Gerry motion, 49, 50; deputy Secretary of Foreign Affairs, 50*n*; Carleton letter, 51; Knox letter, 54; Superintendent of Finance letter, 56; Partridge memorial, 58; week, 82, 84, 714; Smith letter, 82*n*; Jackson memorial, 83,

- 83*n*; De Witt letter, 97*n*; settlement of army accounts, 102*n*; Connecticut address, 135; Superintendent of Finance report, 171; Williams letter, 265. *Motions*: 64, 103*n*, 269*n*. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 117. *Mentioned*: 13*n*, 18, 33*n*, 37, 44*n*, 58*n*, 82*n*, 84*n*, 103, 103*n*, 120, 121, 269*n*, 405. *Qualifications*, 121, 136, 158, 159.
- Oster, ———, Sieur, 78, 79.
- Oswego, 204, 207, 501; British post at, 202.
- Otis, Samuel A., 642, 666.
- Otto, Bodo, petition, 124, 348, 348*n*, 528.
- Ottoman Porte, treaty with, 180, 357.
- Ox teams, 507, 508.
- P
- Paca, William, letter, 690.
- Packet boats, French, 584.
- Paine, Ephraim, *a delegate from New York*. Attends, 165; credentials, 166. *Motions*: 180*n*, 198, 213, 213*n*, 229, 248, 336, 481, 481*n*, 492, 493*n*, 494, 498, 498*n*, 501, 513, 514, 514*n*, 524, 532. *Committees*: Western posts, 180*n*, 201, 376, 428, 720; Paine motion, 213, 336; Gamble memorial, 237; week, 262, 715; Marcellin and Le Roy memorial, 262*n*, 386; Harwood memorial, 363*n*, 383; Prentice memorial, 364*n*, Hamtramck letter, 383. *Votes*: 170, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 321, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 167*n*, 237*n*, 287, 426, 474, 494, 495*n*, 496, 498, 498*n*, 502, 540.
- Paine, Thomas, letter, 403.
- Palfrey, William, 236.
- Papal Nuncio, application, 368.
- Partridge, Calvin, memorial, 58, 58*n*.
- Partridge, George, *a delegate from Massachusetts*. Attends, 642; credentials, 642. *Committees*: Letter to United States ministers in Paris, 8; grand, 48, 185; sea letters, 58; Sullivan petition, 60; Hazen letter, 72*n*, 242; Canadian officers petition, 80; Patton petition, 242; Steuben letter, 262; Hand letter, 387; Superintendent of Finance letter, 388; week, 410, 411, 698, 715; representation of New York delegates, 481; New York-Vermont controversy, 532. *Motions*: 125*n*, 243. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 117, 130, 131, 132, 133, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 256, 257, 258, 259, 264, 275, 279, 282, 291, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 488, 491, 492, 494, 495, 496, 497, 500, 501, 502, 504, 510, 511, 513, 514, 515, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554, 681, 694, 697, 700, 701, 702, 703. *Mentioned*: 38, 67, 124, 141, 158, 162*n*, 251, 258, 263*n*, 287*n*, 382, 410*n*, 411*n*, 417, 418, 492, 520, 648, 649, 660, 698*n*, 710.

- Paschke, Frederick, memorial, 15, 15*n*, 42, 36, 37, 37*n*, 121, 121*n*, 698, 698*n*.
- Passports, 339, 390.
- Pateson, Archibald, petition, 432*n*.
- Patterson, Robert, 490.
- Patterson, Samuel, *a delegate from Delaware*. Credentials, 651, 652.
- Patterson, William, 710.
- Patterson, William A., letter, 411, 411*n*.
- Patton, Robert, petition, 242, 242*n*, 445*n*.
- Patty*, brig, memorial from owners, 405.
- Pay, 43, 51, 173, 203, 204, 205, 206, 269, 403, 404, 411, 436; depreciation, 14, 99, 410, 592; half pay, 37, 49, 80, 100, 101, 135, 265, 266, 267, 268, 377, 404; foreign officers, 37; commutation, 100, 405; navy, 160, 161, 234; brevet rank, 243; frauds, 388; to furloughed troops, 400; troops, 500, 515, 520, 521, 522, 524, 528, 531; to naval officers on court-martial duty, 580.
- Paymaster, 126, 342; dishonesty, 388; deputy, 403, 506.
- Paymaster General, 102, 388, 410, 528, 545, 691; letters, 44, 505; pay, 236; conduct, 594.
- Peace with Great Britain, 27, 403, 622; negotiations, 405; with Indians, 581; ratification, 616, 617, 627; proclamation, 719.
- Pearson, Joseph, 89, 109, 654.
- Pelisipia (State of), 120.
- Pellon, Joseph Boyer, petition, 569*n*.
- Penhallow, John, 18, 19, 39, 40; petition, 151.
- Pennell, Joseph, letter, 61, 528, 556, 556*n*.
- Pennsylvania, 193, 308, 678; act, 32, 221; land claimed by Connecticut, 45, 46, 280, 281, 526, 603; instructions to delegates, 50, 70, 280; boundaries, 70, 216, 399, 529; lands, 70; French consul in, 77, 79; accounts, 87, 179, 252, 541, 720, 723; extract from legislative journals, 87; Indian commissioner, 123; quota of public debt, 128, 173; troops, 205, 526, 530, 539; President's letter, 216; property tax, 221; officers, 242, 531, 539; court, 280, 281; pay of soldiers, 341; delegates to Congress, 393, 564, 644, 648; orders arrest of Longchamps, 478; Supreme Executive Council, 503; Supreme Executive Council letter, 502, 564; action on Marbois assault, 564; petition in Connecticut land claim, 603; credentials of delegates, 644, 648; newspapers, 657; General Assembly resolves, 706*n*; State House offered to Congress, 706*n*, 708.
- Penobscot, expedition, 394, 395, 722.
- Pensions, 101. *See also* Invalids.
- Pepin, Andrew, petition, 690.
- Pequet, Sieur John Baptist, 372.
- Perit, Peter, memorial, 351, 352, 352*n*.
- Perkins, William, claim, 399, 527.
- Person, Thomas, *a delegate from North Carolina*. Credentials, 645.
- Peters, Richard, *a delegate from Pennsylvania*. Committees: Blaine letter, 3; Washington letter, 7; Eastern boundary, 11; powers of Committee of the States, 47; Lytle memorial, 220, 233. *Mentioned*: 220*n*.
- Petry, ———, Sieur, 78, 79.
- Pettit, Charles, observations on treasury, 442.
- Phelon, Edward, memorial, 84, 84*n*, 398, 527.
- Philadelphia, 567, 638, 708; public creditors memorial, 10*n*, 32; Congress at, 223; military stores at, 613; seat of government, 702. *See also* Pennsylvania.
- Pickering, Timothy, letter, 401.
- Pierce, John, 61, 236, 399, 400; letter, 80, 198*n*, 374*n*, 427*n*, 591*n*, 594, 595*n*, 650*n*.
- Pierce, William, 199.

- Pinckney, Charles, *a delegate from South Carolina*. Attends, 641, 642; credentials, 647, 647*n*. *Committees*: Marbois note and navigation of Mississippi, 665, 665*n*; week, 672, 715; Kaskasia memorial, 677*n*; Marbois letter, 687, 693; instructions to Minister to Spain, 705. *Motions*: 697, 707. *Votes*: 681, 694, 695, 697, 700, 701, 702, 703, 704. *Mentioned*: 649, 661, 672*n*, 707*n*.
- Pintard, John, 723.
- Pitkin, William, *a delegate from Connecticut*. Credentials, 655.
- Platt, Richard, memorial, 402.
- Platt, Zephaniah, *a delegate from New York*. Credentials, 656. *Committee*: Dickinson letter, 706*n*.
- Pollock, Oliver, 384, 385, 600, 601, 602, 607; letter, 62*n*, 399, 600, 601, 607.
- Polypotamia (State of), 120.
- Ponthière, ———, 43.
- Pontière, ———, 65.
- Ports, free, 145, 241, 333, 334.
- Portsmouth, N. H., French consul, 79.
- Portugal, treaty with, 180, 357.
- Postmaster, at Philadelphia, 6*n*; at Princeton, 9.
- Postmaster General, 6, 10, 85, 201, 565, 585; letter, 8, 10*n*, 34.
- Post Office, 399; mails, 6, 9, 10, 34, 82, 84, 85; investigated, 82, 84, 85; regulation of, 314, 582; robbed, 365; suit against Johnston, 582, 583; revenues, 584; ordinance violation, 584, 585. *See also* Mail.
- Post riders, 582.
- Posts (western frontier forts), 64, 67*n*, 93, 179, 248*n*, 376, 380, 398, 433, 435, 490, 501, 720; possession of, 114, 163, 179, 201, 202, 203, 204, 205, 432, 529, 720; evacuated by British, 248, 376, 380, 420, 428, 499, 515, 527, 530, 538, 635; garrison, or troops for, 163, 180, 207, 248, 380, 428, 428*n*, 429, 434, 436, 466, 487, 499, 513, 514, 515, 519, 527, 530, 538; British possession of, 376, 380, 404, 420, 428, 720; exchange of stores, 420.
- Potomac River, seat of government on, 223, 293, 444, 445.
- Potts, Stacey, 401.
- Powder, 597.
- Prayer and Thanksgiving proclamation, 625, 627, 630.
- Prentice, Samuel, 645; memorial, 364, 364*n*, 409, 410.
- President, 475, 704; absent, 133; expense of household, 400; continuance, 505; elected, 649.
- Princeton, N. J., Congress at, 4; mail robbery, 9, 34, 201, 365; Indian youth educated at, 404, 582.
- Princeton College, 404.
- Prisoners of war, 403; British, 49; naval, 70, 338, 403; commissary of, 126, 342; in Great Britain, 144; care of, 337, 338; at Lisbon, 372; exchange of, 405.
- Privateers, 182, 359.
- Prizes, 360.
- Proclamations, 52; reward for capture of mail robbers, 10, 34; ratification of peace treaty, 29; prayer and thanksgiving, 625, 627, 630; of treaty, 719.
- Property, loyalist, 26, 30, 31, 719; confiscation, 27, 30, 31, 622; public, 93, 600; tax, 221; alien rights, 360; carried away by British, 622.
- Providence, Bahamas, 332.
- Providencia*, ship, 144.
- Provisional treaty, 405.
- Provisions, for Canadian refugees, 400.
- Provost marshal, 253, 271, 272.
- Prussia, treaty with, 180, 357, 579, 674, 675; minister at The Hague, 579.
- Pulaski's legion, 42, 43, 65, 121.

Q

- Quakers, address, 13.
- Qualifications, of delegates, 136, 137, 138, 156, 157, 158, 159, 377, 378, 379, 379*n*, 385, 405, 412, 416, 420, 422, 423, 424, 655; committee, 98,

- 120, 137, 137*n*, 713, 720; report on, 723.
- Quartermaster Department, 54, 55, 401, 404, 405.
- Quartermaster General, 507; returns, 52; letter, 404, 597.
- Quartermaster, stores, 593, 664.
- Quebec, inhabitants, Congress's address to, 86.
- Quotas, of money, 33, 213, 301, 303, 304, 305, 306, 307, 308, 309, 312, 313; state, 70, 84, 301, 303, 304, 305, 306, 307, 308, 309, 312, 313, 425, 426; troops, 428, 433, 436, 519, 537; (1785), 508; public debt, 108, 128, 590, 591.
- R
- Rank, brevet, 92.
- Rations, 44, 51, 219.
- Ravenhorst, Christian, 579.
- Read, George, 710.
- Read, Jacob, *a delegate from South Carolina*. Attends, 641, 642; credentials, 646, 647. *Committees*: Ratification of Definitive Treaty, 5, 22, 31*n*; grand, 48, 172, 185, 356, 394, 465, 472, 506, 720, 722; Van Berckel letter, 59; Pollock letter, 62*n*; Gerry motion, 64, 595, 608; Armand resignation, 67*n*, 68; French Minister's letter, 68, 239; Sprout claim, 70*n*, 337; Clinton letter, 67*n*; Pennsylvania instructions, 71*n*; Monroe motion, 75; Canadian refugees memorial, 76, 86; Howell motion, 82; Morris letter, 86, 172*n*, 255*n*, 384, 653; Schuyler letter and Read motion, 73; irregularities of the post-office, 84; Virginia cession, 89; Duportail letter, 92; Governor of New York letter, 93; McIntosh letter, 94; Osgood qualification, 121*n*; loan office certificates, 128; qualifications, 136, 713; Franklin and Barclay letters, 143-4; deserters, 164; Ellery motion, 171, 377; report on the *Alliance*, 171*n*; Greene letter, 198; Superintendent of Finance and Marine Office letter, 209; Strubing petition, 231; King of France letter, 239-40; Governor of Massachusetts letter, 244*n*; commercial affairs, 269, 320*n*, 317; Mann claim, 309; Read motion, 310, 317, 321, 530, 625*n*, 627, 658; location and disposal of western lands, 324, 356; Otto petition, 348; Woelpper petition, 348; New York motion, 381*n*; Connecticut cession, 432*n*; Indian affairs, 453, 464*n*, 722; of the States, 477, 561, 564, 713; representation of New York delegates, 481; application of New York, 487; week, 490, 508, 509, 525, 556, 715; New York-Vermont controversy, 532; revision of files, 527, 527*n*; Massachusetts petition, 547; Pennsylvania Supreme Executive Council letter, 564; Champlin petition, 569*n*, 577; rules for Committee of the States, 569*n*, 572; Adams letters, 579; Marine agent's report, 580*n*; George Rogers Clark letter, 581; Hazard letter, 582; Shewell petition, 583; Thomson letter, 583; Pierce letter, 591*n*, 598*n*; Martin letter, 595; Gilfillan letter, 596; Aycard letter, 598; committee report on order of June 17, 1783, 605; Carleton letter, 613, 624, 698*n*; Franklin letter, 615; Lee and Butler letter, 615*n*; Muhlenberg letter, 625; credentials, 647; Olivier letter, 685; Lafayette letter, 673*n*; letters from U. S. Ministers abroad, 674, 678; Jolibois letter, 695*n*; Devine petition, 695*n*; Paschke petition, 698*n*; Ayot petition, 706. *Motions*: 6, 6*n*, 31, 34, 71, 72, 73, 78, 79*n*, 98, 103, 106, 125*n*, 151, 174, 199*n*, 200, 259, 269*n*, 273, 274, 331*n*, 310, 311, 317, 322, 332*n*, 399, 417, 417*n*, 432, 435, 446, 467, 527*n*, 528, 530, 550, 554, 554*n*, 566, 567*n*, 569, 569*n*, 582*n*, 584*n*, 591, 598, 599, 602, 607, 624, 625, 625*n*, 627, 647, 658, 658*n*, 665,

- 679, 680ⁿ, 697. *Votes*: 21, 29, 35, 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 151, 152, 159, 160, 165, 170, 175, 177, 185, 197, 201, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 314, 315, 321, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 386, 415, 416, 417, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 501, 502, 504, 511, 512, 513, 515, 516, 517, 518, 520, 521, 523, 524, 536, 537, 538, 540, 550, 551, 552, 555, 591, 605, 612, 630, 633, 681, 700, 701, 702, 703, 704. *Mentioned*: 1, 6, 15, 20, 31ⁿ, 34, 37, 50, 87ⁿ, 92ⁿ, 97ⁿ, 98, 105, 106, 107, 112, 125ⁿ, 130, 132, 133, 140, 141, 146, 169, 185, 186, 198, 200, 211, 218, 237, 247, 249, 250, 287ⁿ, 293, 310ⁿ, 311, 317ⁿ, 324ⁿ, 338ⁿ, 348ⁿ, 349ⁿ, 365, 366, 385ⁿ, 418, 435, 439ⁿ, 464, 466, 466ⁿ, 485, 488, 490ⁿ, 491, 519, 520, 527ⁿ, 531ⁿ, 540ⁿ, 550, 554, 565, 567, 568, 574ⁿ, 584, 587, 592, 596ⁿ, 607ⁿ, 611ⁿ, 616, 624, 626ⁿ, 630, 630ⁿ, 632, 637, 637ⁿ, 638, 638ⁿ, 649, 649ⁿ, 655, 674, 677ⁿ, 678, 679ⁿ.
- Receivers, of Continental taxes, 364.
- Reciprocity, 319, 320, 358.
- Records, 612, 630, 632, 634, 637, 638.
- Reed, Bowes, 644; letter, 657ⁿ.
- Reed, Joseph, *a delegate from Pennsylvania*. Credentials, 644; letter, 60, 399, 529, 585.
- Register of the Treasury, 127, 405, 440, 441, 442, 443.
- Register, western lands, 324, 325, 328, 329, 447, 450, 451.
- Remsen, Henry, jr., 10ⁿ, 41ⁿ, 50ⁿ, 114ⁿ, 122; letter, 143ⁿ, 248ⁿ; leave of absence, 624.
- Rendon, Francisco, 688; petition, 405; letter, 687, 689.
- Reports, procedure, 573.
- Representation, in Congress, 245, 247, 351, 421, 423, 424, 641; in Committee of the States, 554, 563, 631.
- Requisitions (1784), 186, 213; noncompliance with, 298, 299, 300; on States, 301, 302, 305, 306, 307, 308, 309, 312; for troops, 519.
- Returns, military, 51, 52, 400, 593.
- Revenue, annual, 187.
- Revolutionary War, history of, 427.
- Rhode Island, 99, 101, 141, 253, 294, 391, 484; governor, 36ⁿ; French consul at, 77, 78, 79; Indian Commissioner, 123; quota of public debt, 128, 173; troops, 205; resolves, 221; offer of seat of government, 221; Congress at, 222; delegates motion, 221, 287, 293, 338, 390, 399, 484, 527; commissioner of accounts, 262, 272, 297; delegates qualifications, 377, 378, 379ⁿ; delegates term, 385, 389, 390; delegates request, 401; delegates right to sit in Congress, 412, 413, 414, 415, 416, 417, 420, 421, 422, 424; military stores at, 615; representation on the Committee of the States, 631; credentials of delegates, 643, 648.
- Richmond, French consul, 78, 79.
- Ripley, Jeremiah, 655.
- Robinson, Moses, 483, 534.
- Rome, treaty with, 180, 357.
- Ross, John, memorial, 401, 529, 556, 556ⁿ; letter, 508.
- Ross, Robert, jr., petition, 651ⁿ.
- Roswell, Sir Henry, and others, 548, 549, 668, 669.
- Rum, 404.
- Rumsey, James, petition, 672ⁿ.
- Russell, Edward, 655.

- Russell, Thomas, petition, 226*n*.
 Russia, mission to, 4; treaty with, 180, 357.
 Rutledge, John, 710.
- S
- St. Clair, Arthur, letter, 402.
 St. John, ———. *See* Crèvecoeur, St. John de.
 St. Saphorin, Mons. de, 674.
 St. Vincents. *See* Vincennes.
 Salaries, 365, 404, 436, 441, 442, 443, 470; reduced, 126; increased, 405.
 Salisbury, furnace, 55.
 Sanford, Samuel, 99; petition, 100*n*.
 Saratoga (State of), 120.
 Sardinia, treaty with, 180, 357.
 Sartine, Antoine Raymond Jean Gualbert Gabriel de, 370.
 Savannah, French consul, 78, 79.
 Saxony, treaty with, 357.
 School, public, used as hospital, 410.
 Schuyler, Nicholas, memorial, 216, 216*n*, 335, 336.
 Schuyler, Philip, 208; letter, 62*n*, 73.
 Scioto River, post on, 207.
 Sea letters, 1, 58, 338, 339, 577, 578, 595.
 Seal, Great, of the United States, 578.
 Seamen, prisoners, 372.
 Seas, freedom of, 182, 183.
 Seconde. *See* Segond.
 Secrecy, 331, 405.
 Secret Committee, 21, 22, 59, 161.
 Secretary at War. *See* Knox, Henry.
 Secretary to Congress, 48, 104, 105, 124, 127, 374, 393, 427, 565, 578, 598, 612, 624, 632, 637, 641, 657; department of the, 82, 127, 565; contingent expenses, 705.
 Secretary, to commissioners for commercial treaties, 375.
 Sedgwick, John, 655.
 Seegar, George, 95.
 Seeley, Isaac, 242.
 Segond, James, 43, 65, 66; memorial, 710*n*.
 Selin (Seling), Anthony, 92; petition, 82, 82*n*, 91, 109.
 Sergeants, Connecticut line, memorial, 405.
 Sette. *See* Cette.
 Sewell (Shewell), Robert, 584; petition, 411, 432*n*, 583.
 Sharp, James, 146.
 Sheldon, Pardon, 338, 339, 391.
 Shells, 410.
 Sherman, Roger, *a delegate from Connecticut*. Attends, 15; credentials, 15, 16. *Committees*: Superintendent of Finance letter, 11*n*, 41, 86, 374*n*, 480, 594. Paymaster General letter, 44, 505; powers of the Committee of the States, 47*n*, 288, 443, 474, 477; grand, 48, 172, 185, 356, 394, 465, 472, 506, 720, 722; Deputy Secretary for Foreign Affairs, 50*n*; Sullivan petition, 60; Carleton letter, 63; Gerry motion, 64, 212*n*, 245; Clinton letter, 67*n*; Monroe motion, 75; Canadian refugees' memorial, 76, 86; Pierce letter, 80, 198*n*, 374*n*, 427*n*; Superintendent of Finance report, 87*n*, 234, 540; Virginia cession, 89; Shippen letter, 90; Governor of New York letter, 93; Osgood motion, 103*n*; qualifications, 120, 137, 156, 377, 713, 720; loan office certificates, 128; Howell motion, 142, 262, 297, 436, 478; Franklin and Barclay letters, 143-4; Cazeau memorial, 147; Halsted petition, 163*n*, 273; Lee letter, 167; Livingston memorial, 176*n*; President of Pennsylvania letter, 216; Gamble memorial, 235, 235*n*; Steuben letter, 262; Clinton letter, 287*n*; payment to Mercer, 309; Perit memorial, 351; Livingston memorial, 362; Franklin petition, 364*n*; Hodgdon letter, 375; Hand letter, 387; Wolcott and Butler letter, 389, 389*n*; Beatty letter, 407*n*, 432; Prentice memorial, 409; Johnson memorial, 409; Gordon petition, 427; Bradford

- letter, 427*n*; Sewell petition, 432*n*, 583; of the States, 477, 561, 564, 713; representation of New York delegates, 481, 493; revised file of reports, 527*n*; Read motion, 530; New York-Vermont controversy, 532; Massachusetts petition, 547; Minister of France letter, 596-7; Pennsylvania accounts, 720; Smith petition, 720. *Motions*: 125*n*, 145, 145*n*, 154, 229, 229*n*, 248, 264, 365, 415, 492, 522, 522*n*. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 116, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 16, 34, 38, 61*n*, 65*n*, 90*n*, 91*n*, 104, 121*n*, 137*n*, 143*n*, 157*n*, 158*n*, 167*n*, 168*n*, 171, 216*n*, 225, 287*n*, 297, 346, 349, 363*n*, 366*n*, 379*n*, 388, 430, 436, 439*n*, 466*n*, 468, 480*n*, 484*n*, 485, 490, 507*n*, 545*n*.
- Shewell, Robert. *See* Sewell.
- Shippen, William, letter, 90, 91*n*, 402.
- Ships' passports, 390, 391, 608, 610.
- Sicily, treaty with, 180.
- Silver, Massachusetts instructions, 661.
- Sitgreaves, John, *a delegate from North Carolina*. Credentials, 645.
- Six Nations. *See* Indians, tribes.
- Slavery, in Western Territory, 119, 247, 277.
- Slaves, carried off, 368.
- Smith, Benjamin, *a delegate from North Carolina*. Credentials, 645.
- Smith, Isaac, 710.
- Smith, James, 544; letter, 82; petition, 541, 720, 723.
- Smith, Melancthon, *a delegate from New York*. *Committees*: Reduction of public debt, 129*n*.
- Smith, Thomas, 32.
- Smith, William, petition, 410, 432*n*.
- Smith & Storer, 340.
- South Carolina, 152, 193, 308, 511; Indian commissioner, 123; quota of public debt, 128, 173; delegates, 146, 420; resolve, 146; troops, 205; delegates' motion, 332, 434, 678; claims, 332, 454; Admiralty, 510; acts, 588; credentials of delegates, 646, 647*n*, 648.
- South Carolina*, frigate, 332.
- Spaight, Richard Dobbs, *a delegate from North Carolina*. Attends, 642; credentials, 392, 645. *Committees*: Sullivan and New Hampshire letters, 4*n*; Sullivan memorial, 14; New Hampshire letter, 17, 38; week, 15, 364, 410, 411, 714, 715, 720; Brahm letter, 46, 69; grand, 48, 185; Sprout claim, 70*n*, 337; Superintendent of Finance report, 87, 540; Virginia cession, 89; Paschke representation, 121*n*; Lee letter, 167, 168; Greene letter, 199, 200, 232, 233*n*; French Minister's letter, 376; Indian affairs, 453, 722; of the States, 477, 561, 564, 713; Netherlands Minister's letter, 509; revised file of reports, 527; St. John's advertisement, 584; Aycard letter, 598; Superintendent of Finance letter, 600; committee report on order of June 17, 1783, 605; Carleton letter, 613, 624; Olivier letter, 685*n*; Jolibois letter, 695*n*; Divine petition, 695*n*; White petition, 708; Pennsylvania accounts, 720, 723; Smith petition, 720. *Motions*: 125*n*, 140, 197, 247, 297, 315, 366, 491, 520,

- 550, 565, 566*n*, 584. *Votes*: 20, 21, 29, 35, 41, 53, 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 175, 177, 185, 197, 201, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 314, 315, 321, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 415, 416, 417, 418, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 502, 504, 511, 512, 513, 515, 516, 517, 518, 520, 521, 522, 524, 536, 537, 538, 540, 550, 551, 552, 555, 591, 605, 612, 630, 633, 681, 694, 695, 697, 700, 701, 702, 703, 704. *Mentioned*: 15*n*, 38, 87*n*, 90*n*, 113, 125*n*, 140, 140*n*, 151, 184, 226, 274, 288, 297, 315, 331, 341, 343*n*, 347, 350, 364, 379, 411, 411*n*, 417, 430, 468, 485, 491, 491*n*, 516, 519, 545*n*, 551, 551*n*, 566, 568, 569, 585, 598, 599, 625, 627, 634, 637, 638, 649, 693, 695, 697, 702, 703, 709*n*. Letter, 341*n*.
- Spain, treaty with, 180, 357; loan, 186, 297, 301; claim against, 332; United States Minister to, 384, 693, 694, 695, 705, 706; protest to, 384, 601, 602; King, 404, 665, 688; negotiations with, 529, 689, 690; friendship, 665; navigation of the Mississippi, 690.
- Span, James, memorial, 155*n*, 651*n*.
- Spooner, Paul, 483, 534.
- Springfield, military stores at, 54, 615.
- Sproat, David, 403; claim, 70, 337, 338.
- Starr, Ezra, 655.
- States, Committee of the. *See* Committee of the States.
- States, Congress' recommendation to, 18, 39; quota of money, 33, 84, 108, 128, 173, 185, 187, 213, 301, 303, 304, 305, 306, 307, 308, 309, 312, 313, 425, 590; address to, 50; requisitions on, 70, 188, 190, 191, 192, 193, 194, 213; power over commerce, 71; right denied by Congress, 101; representation in Congress, 108, 119, 212, 245, 385; formed from Northwest Territory, 114, 118, 275, 276, 277, 278; names in Western Territory, 119; accounts with United States, 126, 395, 396, 398, 506, 507, 541, 542, 545, 546, 590, 720; delegates to Congress, 136, 156, 157, 160, 641; cessions of western lands, 143, 195, 196, 316, 317; circular to, 172, 241; revenue from, 187, 188, 298, 299, 300; discrimination as to debt, 188; payment to troops, 269; powers to Congress, 270, 271, 319, 320, 321; admission to Union, 277, 278; urged to repay sums advanced to prisoners of war, 337; powers, 368, 385, 421; war expenses, 395; number of, 404; quota of troops, 428, 433, 436; representation on Committee of the States, 476, 476*n*; urged to offer reward for arrest of Longchamps, 478, 564; arms furnished United States, 494; quota of troops for western posts, 515, 519, 537, 538; militia, 519; charges against, 541; supplies from, 542; inquiry to, 595; report on public property, 600; failure to comply with recommendation of Congress, 606; certification of ships' passports, 610; urged to send delegates to Congress, 641.
- Steel, 401.
- Steel, John, 179; application of, 403.
- Stelle (Stille), Benjamin, 87, 398, 545*n*, 720; queries, 405.
- Steuben, Frederick Wilhelm Augustus Henry Ferdinand, Baron von, 43, 65, 216, 217, 218, 228, 229; letter, 178, 179*n*, 185*n*, 227, 230, 248*n*, 262, 263*n*; thanks of Congress, 178, 217, 227; payment to, 179; resignation, 217, 227.
- Stevens, John, *a delegate from New Jersey*. Attends, 417. *Committees*: Week, 471, 472, 715. *Votes*: 424,

- 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 537.
- Stewart, Archibald, *a delegate from New Jersey*. *Committees*: Dickinson letter, 706*n*. *Votes*: 681, 694, 697, 700, 701, 702, 703.
- Stewart, Charles, *a delegate from New Jersey*. *Credentials*, 643.
- Stewart, Charles, 235; letter, 11.
- Stockly, Charles, letter, 677*n*.
- Stoddart, Luther, 375.
- Stone, Thomas, *a delegate from Maryland*. *Attends*, 169. *Committees*: Grand, 172, 356, 394, 465, 472, 506, 720, 722; week, 216, 261, 262, 714, 715; Marcellin and Le Roy memorial, 262*n*; Clinton letter, 287*n*, 386; Read motion, 310; sea letters, 339*n*; Gerry motion, 340*n*; Harwood memorial, 363*n*, 383; Prentice memorial, 364*n*; Superintendent of Finance letter, 374*n*; Pierce letter, 374*n*; Hodgdon letter, 375; New York motion, 381*n*; Hamtramck letter, 383; Mediterranean passports, 390; reports pending, 397; Beatty letter, 407*n*, 432; Gordon letter, 427; Connecticut cession, 432*n*; application of New York, 487, 493; Massachusetts petition, 547; Pennsylvania Supreme Executive Council letter, 564; Gilfilian letter, 596; Beaumarchais letter, 566; Minister of France letter, 596. *Motions*: 296. *Votes*: 170, 174, 175, 177, 185, 197, 201, 211, 214, 215, 219, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 311, 314, 315, 321, 331, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 418, 425, 426, 429, 430, 431, 435, 437, 439, 444, 453, 465, 467, 468, 469, 474, 485, 488, 491, 492, 495, 496, 497, 498, 499, 500, 501, 502, 504, 511, 512, 513, 514, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 554. *Mentioned*: 262, 262*n*, 269*n*, 295, 311, 340*n*, 345, 364*n*, 365, 391, 397, 407*n*, 414, 415, 418, 468, 487*n*, 492, 508*n*, 509, 522, 547*n*. Elected chairman of Congress, 502.
- Stores (supplies), military, 44, 47, 51, 204, 400, 494, 527, 529, 544, 593, 594, 600; returns, 52, 399, 613, 614; preservation, 54, 55; in western posts, 420; furnished by States, 542; in the States, 595; auction of, 613, 624; sale of, 664.
- Stricker, John, 242.
- Strong, Jedidiah, *a delegate from Connecticut*. *Credentials*, 655.
- Strubing, Philip, petition, 231, 231*n*.
- Stubag, ———, 598.
- Subsistence, 54, 55, 244.
- Sudler (Sudle), Thomas, petition, 12, 13*n*, 261.
- Sullivan, Ebenezer, 61; petition, 60, 61*n*.
- Sullivan, James, 710.
- Sullivan, John, letter, 3*n*, 4*n*, 17, 18*n*, 37*n*, 62*n*; memorial, 14, 15, 15*n*.
- Superintendent of Finance, 15, 35, 36, 36*n*, 29, 43, 47, 51, 57, 61, 65, 72, 91, 92, 98, 99, 130, 145, 145*n*, 150, 154, 155, 178, 179, 186, 188, 190, 195, 196, 197, 200, 205, 210, 217, 218, 219, 220, 220*n*, 226*n*, 227, 228, 229, 231, 232, 233, 234, 235, 239, 273, 300, 303, 309, 310, 311, 317, 323, 330, 331*n*, 338, 348, 364*n*, 365, 375, 385, 386, 388, 389, 396, 400, 401, 402, 406, 408, 437, 438, 438*n*, 442, 470, 473, 479, 489, 504, 506, 507, 508, 509, 521, 524, 540, 544, 553, 556, 566, 588, 594, 597, 600, 601, 602, 603, 607; letter, 21, 41, 41*n*, 56, 57, 58*n*, 62*n*, 70, 76, 137, 160, 161, 170, 172, 172*n*, 209, 220*n*, 233-4, 246, 252, 253*n*, 255*n*, 332, 333*n*, 337, 338*n*, 374*n*, 384, 385*n*, 387, 399, 400, 401,

- 402, 403, 404, 405, 406, 407*n*, 471, 471*n*, 472, 480, 480*n*, 509*n*, 527, 528, 531, 556, 594, 597, 600, 635*n*, 650*n*; report on Pennsylvania accounts, 87; assistant, 126, 342; salary, 126, 127, 342; secretary, 127; clerks, 127, 342; report on the *Alliance*, 171; reports, 399, 401, 402, 404, 541, 546, 556*n*, 652; records, 438; resignation, 653.
See also Morris, Robert.
- Supplies. *See* Stores.
- Surveyors, 324, 326, 329, 446, 447.
- Sutlers, 388.
- Sweden, treaty with, 361, 530, 650; consul, 659.
- Swift, Josiah, 588.
- Sylvania (State of), 119.
- T
- Tariff, 209, 357, 358; power, 586, 588.
See also Impost.
- Tarrasson Bros., petition, 97*n*, 121, 121*n*.
- Taxes, 257, 259, 277, 308; Continental receivers, 364, 406, 473; power, 586.
- Taylor, James, memorial, 161.
- Tazewell, Lyttleton W., 645.
- Telfair, Edward, *a delegate from Georgia*.
 Credentials, 569, 570.
- Temple, J., 405.
- Ten-mile squares, of States, 446.
- Tennessee River, 115.
- Ternant, Jean Baptiste, 262, 263, 446.
- Territories, vote in Congress, 258; representation in Congress, 278; claims, 405.
- Thacher, Nathaniel, memorial, 13.
- Thacker, ———, memorial, 399.
- Thanksgiving, proclamation, 625, 627, 630.
- Thompson, Benjamin, letter, 651*n*.
- Thompson, E., 89, 109.
- Thomson, Charles, 46, 48, 78*n*, 121*n*, 150*n*, 165*n*, 179*n*, 196*n*, 269*n*, 321*n*, 500*n*, 508*n*, 545*n*, 550, 555*n*, 556*n*, 563*n*, 564*n*, 578, 584*n*, 599*n*, 602*n*, 604, 612, 671, 683, 719, 720, 723; letter, 583, 599.
- Thornbury, Francis, 242.
- Three Friends*, prize, 369.
- Thulemeyer, Baron de, 675.
- Tichenor, Isaac, 483, 534.
- Tilton, James, *a delegate from Delaware*.
 Credentials, 651, 652. *Committees*: Memorial of public creditors, 10*n*, 32, Sudler petition, 12; Houdin and Thacher memorials, 13; Paschke memorial, 15*n*, 36, 42, 37*n*; Carleton letter, 44*n*; Hand motion, 47, 52; week, 37, 121, 714; grand, 48, 185; Ward and Frothingham memorials, 48; Cheever memorial, 49; Reed letter, 60, 585; Sullivan petition, 60; Murnand letter, 63*n*; Armand letter, 66, 70*n*; Luzerne letter, 66; Brahm letter, 69; Sprout claim, 70*n*, 337; Jackson memorial, 83; Howell motion, 99; reduction of civil list, 125-6, 164, 342; qualifications, 140. *Motions*: 125*n*, 130. *Votes*: 20, 21, 29, 35, 41, 53, 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136. *Mentioned*: 37*n*, 38, 42*n*, 45, 51, 56, 61, 63, 63*n*, 67, 68, 73, 83, 83*n*, 87, 88, 91, 98, 100*n*, 103, 106, 109, 121*n*, 123, 124, 138.
- Titles, hereditary, 250, 277.
- Tobacco, 334.
- Toscan, ——— Sieur, 78, 79.
- Totten, Robert, 384, 601, 602; letter, 600, 601, 607.
- Trade. *See* Commerce.
- Treadwell, John, *a delegate from Connecticut*. Credentials, 655.
- Treasurer, of the United States, 127, 440, 441.
- Treasury (Board or Department), 219, 356, 357, 438*n*, 439*n*, 443, 479, 509*n*, 556*n*, 557; requisition, 11; reorganization, 172, 465, 466, 632, 634; certificates, 235, 236; ordinance, 437, 438, 440, 467, 469, 477; observations on ordinance creating, 442; salaries, 438, 440, 442, 467; commissioners, 438, 439, 440, 442, 466, 467, 470, 546, 649, 660, 665, 677, 678, 685, 698; clerks, 438, 440, 441, 442, 443, 470; oaths,

442; powers, 563; reports, 573; building for, 704.
 Treasury, Comptroller, 87, 525.
 Treaties, 405, 595, 608; Indian, 71, 74, 123, 124, 125, 129, 135, 152, 153, 154, 238, 273, 274, 282, 389, 407, 408, 551, 552, 553, 599, 625, 658, 659, 723; commerce, 169, 176, 180, 184, 345, 356, 357, 358, 362, 365, 369, 372, 375, 529, 530, 579, 650, 674, 675; amity or amity and commerce, 180, 184, 357, 362, 369, 372, 650; instructions, 180, 580, 674; commissioners, 342, 343, 345, 433, 435, 466, *see also under* Indians; with Europe, 377; with Morocco, 390; expense, 553; plan of, 579; peace ratification, 615, 617, 625, 627; proclamation, 719; collection of (1776-1783), 724.
 Trenton, N. J., 490, 491, 707; seat of government, 224, 697, 698; Congress, 288, 293, 295, 554, 555, 556, 565, 567, 611, 630, 637, 701; Committee of the States at, 554, 612, 632, 638.
 Tripoli, 391, 608; treaty with, 362.
 Troops, returns, 51; pay depreciation, 592. *See also* Army.
 Trumbull, Jonathan, 45; letter, 21*n*; memorial, 401.
 Tucker, Samuel, memorial, 578*n*.
 Tunis, 391, 608; treaty with, 362.
 Turner, ———, 179.
 Tuscany, treaty with, 180, 357.

U

Ultimatum, 405.
 Uniform, 525.
 United Netherlands (Holland), loan, 186, 241, 297, 301, 480; treaty 361, 530; minister's letter, 400, 509, 511, 528; minister, 510; Prussian minister to, 579; United States minister to, 674.
 United States, domestic affairs, 2; boundaries by the Definitive Treaty, 24, 705, 706; reliance on own exertions, 145; nationality, 169; seat of

government, 221, 223, 224, 225; commerce, 269, 270, 271. *See also* Commerce; tax on land or property, 277; admission of States, 277, 278; compact with Western States, 278; union, 358; chargeable for war expenses of States, 395; accounts with States, 395, 396, 398, 506, 541, 542, 543, 544, 545, 546, 590; claims, 405; right of navigation of Mississippi, 489; arms furnished by States, 493, 494; accounts with Virginia officers, 505; great seal, 578; accounts of individuals with, 606; boundaries, 619; protest to Great Britain, 657, 660-61; friendship for his Catholic Majesty, 665; claim to territory, 705, 706.

United States, ship, 1, 2.

V

Vaigneur, ———, Le, 566.
 Valnais, ———, 370, 371.
 Van Berckel, Pieter Jan, letter, 59.
 Van Dyke, Nicholas, 651, 652.
 Van Ingen, Dirk, petition, 364, 364*n*.
 Vandeburgh, ———, 383.
 Venice, treaty with, 180, 357.
 Verdier, ———, 66, 68, 69.
 Vergennes, Charles Gravier, Comte de, 334, 369, 723; letter, 333.
 Vermont (New Hampshire grants), 401, 402; New York controversy, 283, 284, 481, 482, 483, 484, 532, 533, 536; troops raised by, 285, 286; union with U. S., 482, 483, 484, 532-33, 535; agents, 482, 483, 534; disorders in, 535, 536.
 Versailles, Court of, United States ministers at, 357. *See also* France.
 Vienna, Court of, 357.
 Villefranche, ———, Chevalier, 66.
 Vincennes (St. Vincent), Illinois, 114.
 Vining, John, *a delegate from Delaware*. Attends, 651; credentials, 651, 652. *Committee*: Finnic petition, 663*n*. *Vote*: 681. *Mentioned*: 685.

- Virginia, 521; act, 50, 589; French consul, 78, 79; mail from, 82; cession of western lands, 89, 90, 112, 113, 116, 117, 143, 405, 658; land controversy with New Jersey, 110, 111, 112; land for Virginia troops, 114, 115, 452; Indian commissioner, 123; quota of public debt, 128, 173; troops, 114, 115, 205, 452, 592, 593; money for buildings for Congress, 223, 294; motion in Congress, 345, 420; boundary, with Pennsylvania, 399, 529; magazines in, 402; legislative resolve, 403; delegates in Congress, 420, 644, 645*n*, 648, 665*n*; officers' accounts, 505; legislation on public debt, 590, 591; executive, 625; lands in the west, 626.
- W
- Wadsworth, James, *a delegate from Connecticut*. Attends, 15; credentials, 15, 16, 655. *Committees*: Ratification of Definitive Treaty, 35; Partridge memorial, 58; Howell motion, 99; week, 124, 162, 163, 171, 172, 176, 179, 198, 261, 410, 411, 714, 715. *Motions*: 264. *Votes*: 20, 21, 28, 35, 41, 53, 106, 107, 108, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 169, 174, 175, 177, 184, 196, 197, 201, 211, 214, 215, 219, 222, 223, 224, 225, 226, 228, 229, 230, 231, 237, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 264, 275, 279, 282, 291, 292, 293, 294, 295, 296, 300, 311, 313, 315, 320, 331, 343, 344, 345, 346, 347, 349, 350, 352, 353, 354, 355, 366, 367, 379, 382, 386, 409, 413, 415, 416, 417, 424, 425, 426, 429, 430, 431, 434, 435, 437, 439, 444, 453, 465, 466, 467, 468, 469, 474, 485, 486, 488, 491, 492, 494, 495, 496, 497, 498, 499, 500, 501, 502, 504, 510, 511, 513, 514, 516, 517, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 554. *Mentioned*: 16, 164, 228, 229, 231, 269*n*, 354, 436, 444, 547.
- Waiter, 127.
- Wallace & Muir, letter, 7*n*.
- Walton, George, 94, 95.
- War, contraband, 182, 183; expense, 208, 209, 395; settlements of accounts, 358; commerce, 359; shipments of war material, 359, 360; prizes and blockade, 360; expenses of States, 395.
- War (Board, Office, Department), 52, 55, 56, 57, 405; accounts, 63, 479; secretary in, 126, 403, 408, 539, 552, 553, 592, 593, 594, 613, 660, 664, 679, 681; letter, 399, 403, 527; clerk, 436; revision of, 477, 563, 632, 634, 672; reports, 573.
- War, Secretary at, 127, 393, 437, 479, 488, 494, 530, 531, 539, 660; assistant clerks, etc., 127, 479; letter, 233, 402, 403, 650*n*; report, 242, 263; building for, 320; salary, 436, 479; election, 437, 672; oath of fidelity, 479.
- Ward, Henry, 378, 643, 648.
- Ward, Joseph, memorial, 49.
- Warrant, land form, 327.
- Warren, James, memorial, 672.
- Warren, Judith, petition, 578*n*; letter, 587.
- Warren, merchant ship, 338, 339.
- Washington, George, 54, 55, 62; letter, 7; commission, 54; letter to inhabitants of Canada, 147; entertainment at Annapolis, 310; expenses, 317, 323; letter, 402; papers of, 427, 428; allowance to, 528.
- Washington (State of), 120.
- Washington, brig, 61, 62.
- Washington, frigate, 170, 171.
- Washington, ship, 210, 402.
- Waters, Daniel, petition, 410, 432*n*.
- Watkins, William, 645.
- Way, Nicholas, petition, 432*n*.
- Weare, Meshech, 654; letter, 381*n*, 382, 404.
- Weise, Jacob, 402; letter, 172, 172*n*; memorial, 238, 398, 527; claim, 253, 271, 272.
- Wells, Jonathan, 655.

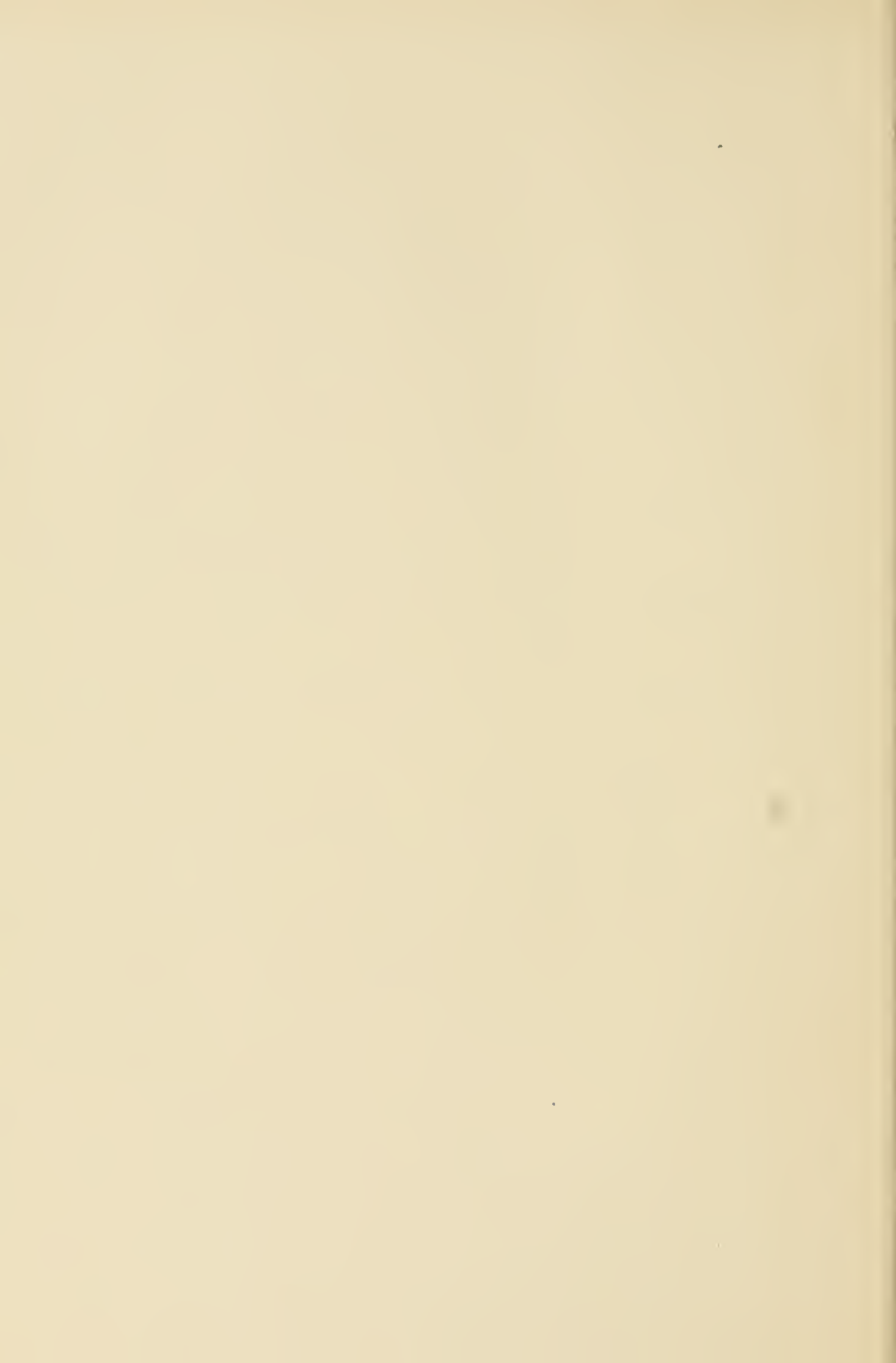
- West Indies, 333; trade, 270, 318, 321, 588, 675.
- West Point, N. Y., 54, 55, 76, 204, 376, 400, 434, 436, 512, 519, 520, 524, 597, 660, 682.
- Western posts. *See* Posts.
- Western Territory, 2, 84, 108, 171, 315; New Jersey-Virginia dispute, 110; cessions, 112, 113, 116, 117, 118, 143, 195, 196, 405; government, 117, 118, 120, 247, 248, 255, 256, 259, 274, 276, 277, 278, 279*n*; states formed from, 118, 119, 277; representation in Congress, 119, 278; Howell's motion, 142; affairs, 195; defense of, 202; slavery in, 247, 277; taxes, 257, 259, 277; vote in Congress, 258; ordinance for government of, 279*n*; ordinance to locate and dispose of lands, 324, 356, 398, 446, 722; grants to soldiers, 330.
- White, Alexander, 645, 709; petition, 708, 709*n*.
- White, Anthony Walton, 587.
- White, Philip, 402; memorial, 400.
- Whiting, Joseph, 375.
- Wilkinson, James, letter, 461, 464*n*.
- Wilkinson, John, 570, 571.
- Williams, William, *a delegate from Connecticut*. Credentials, 16, 655. *Mentioned*: 16.
- Williams, William, letter, 21*n*, 135, 265.
- Williams, W., 646.
- Williamsburg, Va., inhabitants, 403.
- Williamson, Hugh, *a delegate from Pennsylvania*. Attends, 641, 642; credentials, 392. *Committees*: Revision of files, 2; Blaine letter, 3; ratification of Definitive Treaty, 5, 31*n*; Conyngham memorial, 7; letter to United States minister in Paris, 8; Williams and Trumbull letters, 21*n*; Butler petition, 45; Armand letter, 37*n*, 65, 67*n*, 68, 170; Allan letter, 41*n*; Duportail letter, 42, 52; memorial of public creditors, 10*n*, 32; Morris letter, 11*n*, 93*n*; Houdin and Thacher memorials, 13; Hand's motion, 47, 52, 238, 282*n*; Ward and Frothingham memorials, 48; Cheever memorial, 49; commercial affairs, 50, 269, 317, 320*n*; Pennsylvania instructions, 50, 71*n*; Washington's commission, 54; sea letters, 58; Schuyler letter, 62*n*, 73; minister from France letter, 68, 239, 376, 393, 394, 596; Read's motion, 72*n*, 73, 658*n*; Hazen letter, 72*n*, 242; Canadian officers' petition, 80; Pierce letter, 80, 198*n*, 374*n*, 427*n*; Howell motion, 82, 436, 472, 478; Selin petition, 82*n*, 91; irregularity of post office, 84; Phelon memorial, 84*n*; Tarrasson petition, 97*n*; DeWitt letter, 97*n*; Connecticut letter, 100; Osgood motion, 103*n*; qualifications, 120, 136, 137, 156, 377, 713, 720; Osgood's qualifications, 121*n*; reduction of civil list, 125-6, 164, 342; Franklin and Barclay letters, 143-4; instructions to Indian commissioners, 152; Williamson motion, 162; North letter, 163*n*; deserters, 164; Inspector General's department, 168; letters from United States ministers, 169; Ellery motion, 171, 377; Weise letter, 172*n*, 238; grand, 172, 356, 394, 465, 472, 506, 720, 722; Steuben letter, 178, 217, 230; Finnie letter, 179*n*, 663*n*; Greene letter, 198; Lytle memorial, 220, 233; Carleton letter, 220*n*, 426*n*, 593, 650*n*; Superintendent of Finance report or letter, 234, 235, 255*n*, 332, 374*n*, 384, 388, 509*n*, 556, 594; Gamble memorial, 235, 235*n*; McHenry motion, 255*n*; locating and disposing of western lands, 324, 356; Perit memorial, 351; Butler petition, 363*n*, 526; week, 363*n*, 715; Beatty letter, 407*n*, 432; Johnson memorial, 426; Gordon petition, 427; Bradford letter, 427*n*; Sewell petition, 432*n*, 583; Connecticut cession, 432*n*; seat of government, 444; Indian affairs, 464*n*; Paymaster General letter, 505; Massachusetts letter and mo-

- tion, 545; Massachusetts petition, 547; Gilfillan letter, 596; Indian commissioner's letter, 659, 664; Monroe motion, 660; Massachusetts instructions, 661*n*; Rumsey petition, 672*n*; Lafayette letter, 673, 673*n*; Kaskaskia memorial, 677*n*; Olivier letter, 685*n*; Barclay letter, 686*n*; North letter, 695*n*; Jalibois letter, 695*n*; Devine petition, 695*n*; Fox letter, 699; Ayot petition, 706; Dickinson letter, 706*n*. *Motions*: 54, 98, 112, 125*n*, 162, 162*n*, 186, 244, 244*n*, 249, 251, 272, 291, 349, 354, 466, 468, 488, 512, 512*n*, 516, 517, 624*n*, 649, 650. *Votes*: 21, 29, 35, 41, 53, 106, 107, 111, 112, 117, 130, 131, 132, 134, 136, 138, 139, 140, 141, 142, 151, 152, 159, 160, 165, 170, 175, 177, 185, 211, 214, 215, 219, 222, 224, 225, 226, 228, 229, 230, 231, 244, 247, 249, 250, 251, 252, 256, 257, 258, 259, 260, 264, 265, 275, 279, 282, 291, 292, 293, 295, 296, 300, 315, 321, 332, 343, 344, 345, 346, 347, 348, 349, 350, 353, 354, 355, 366, 368, 379, 382, 409, 413, 416, 417, 425, 426, 429, 430, 431, 435, 444, 453, 465, 467, 468, 469, 474, 485, 486, 487, 488, 491, 492, 495, 496, 497, 498, 499, 501, 502, 504, 511, 512, 513, 515, 516, 517, 518, 520, 521, 522, 523, 524, 536, 537, 538, 540, 550, 551, 552, 555, 694, 695, 697, 701, 702, 703, 704. *Mentioned*: 8*n*, 13*n*, 37, 44, 44*n*, 49*n*, 54*n*, 69*n*, 81*n*, 87, 88, 89, 91*n*, 98, 106*n*, 112, 117*n*, 121*n*, 138, 139, 164*n*, 234*n*, 235*n*, 236*n*, 238*n*, 239*n*, 243, 243*n*, 249*n*, 252, 255*n*, 269*n*, 271*n*, 274, 291, 291*n*, 320*n*, 349, 354, 365, 377*n*, 407, 418, 428, 432*n*, 466, 468, 476*n*, 486, 503, 505*n*, 506*n*, 512, 545*n*, 546, 546*n*, 556*n*, 584*n*, 594*n*, 595*n*, 597*n*, 600, 649, 654, 660*n*, 664, 699*n*.
- Wilmington, Del., public school trustees, 410.
- Wilmington, N. C., French consul at, 78, 79.
- Witmore, Hezekiah, memorial, 506.
- Woelpper, John David, petition, 124, 348, 349*n*, 404.
- Wolcott, Oliver, *a delegate from Connecticut*. Resignation, 16. *Mentioned*: 124, 134, 135; letter, 279*n*, 389, 389*n*, 659, 660*n*.
- Wood, James, letter, 198*n*.
- Woodward, Bezaleel, 483, 533.
- Wooster, David, 260.
- Wright, Joseph, letter, 680*n*.
- Wright, Dr., memorial, 399.
- Wyllys, George, 16, 655, 710.

Y

- Yorktown, Va., demolition of works at, 403.





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