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1774-1789

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PREFATORY NOTE

The record of reports from the Secretary of Congress is continued from the year 1785, when the Committee of the Week was discontinued, and the business usually referred to that Committee, committed to the Secretary.

The increasing difficulty in obtaining a full attendance of delegates necessitated some alterations in the machinery of Congress to take up the otherwise cumbersome slack. The methods devised by the Secretary to keep a complete record of the proceedings of the Congress under these conditions were not always successful, nor do they now permit the record to be followed clearly to the end, in all cases. The additional record-book, which Thomson opened for his reports as Secretary, was continued to the expiration of the Congress and is as necessary for the complete journal as the Committee, despatch, and other collateral journal records which Thomson created from time to time.

The Congress of 1786 found its principal difficulties in the settlement of the vast number of claims created by the war and the flood of accounts which demanded liquidation. Currency, the Treasury, Indian affairs, public lands, and the annual nightmare of levying and collecting State quotas pressed in upon Congress with increasing weight but, through it all, the delegates showed a comprehension and understanding of the crying necessity of formulating a stronger and more efficient governmental machine and this fundamental realization slowly developed, from out of the fog of partisan struggles, experiences which had value for the Constitutional Convention held in Philadelphia the next year and in the struggle to adopt the Constitution itself the year following.

Charles Pinckney's speech of August 16 is from a manuscript in Thomson's writing (now in the Charles Thomson Papers), purchased by the Library of Congress in 1930, which also includes some memoranda of remarks and proceedings in the Committee of the Whole in August. The Notes of Debates by William Samuel Johnson are in the William Samuel Johnson Papers in the Library of Congress.

As in the case of the two preceding volumes, a subvention by Mr. William Evarts Benjamin of New York provided for the editorial and other work necessary for the preparation of copy for the printer. The proofs have been read by Dr. J. Franklin Jameson, Chief of the Division of Manuscripts. The index, like that of the two preceding volumes, has been made by Miss Maud G. Sites.

JOHN C. FITZPATRICK.

HERBERT PUTNAM,
Librarian of Congress.
NOVEMBER 1933.

JOURNAL OF THE CONTINENTAL CONGRESS 1786

MONDAY, JANUARY 2, 1786.

Congress assembled: Present, as before.

On motion of Mr. [Charles] Pettit, seconded by Mr. [Rufus] King,

Resolved, That a Sea letter be granted to the Ship *Canton*, Thomas Truxton, Master, in the form following:

Most serene, serene, most puissant, puissant, high, illustrious, noble, honourable, venerable, wise and prudent Emperors, kings, republics, princes, dukes, earls, barons, Lords, Burgomasters, counselors, 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 in Congress assembled, make known, that Thomas Truxton, captain of the ship called *The Canton*, is a citizen of the United States of America, and that the ship which he commands belongs to citizens of the said United States, and as we wish to see the said Thomas Truxton prosper in his lawful affairs, our prayer is to all the before mentioned, and to each of them separately, where the said Thomas Truxton shall arrive with his vessel and cargo, that they may please to receive him with goodness and treat him in a becoming manner, permitting him upon the Usual tolls and expenses in passing and repassing, to pass, navigate and frequent the ports, passes, and territories, to the end to transact his business where and in what manner he shall judge proper, whereof we shall be willingly indebted.

In testimony whereof, we have caused the seal of the United States of America to be hereunto affixed.

Witness,

DAVID RAMSAY,

Chairman of Congress, in the absence of his Excellency JOHN HANCOCK, President, this second day of January, in the year of our Lord one thousand seven hundred and eighty-six, and of our Sovereignty and independence the tenth.¹

¹ This proceeding is also entered in Secret Journal, Foreign Affairs, No. 5.

A Letter of the 29th of December, 1785, from the Secretary for Foreign Affairs, with a Letter from Mr. J. Temple, of the 21st of December, having been read as follows:

OFFICE OF FOREIGN AFFAIRS,
December 29, 1785.

SIR, Your excellency will receive herewith enclosed a letter to me of the 21st instant, from Mr. Temple, who is desirous that Congress would be pleased to pass a resolution that may remove the difficulties stated in it.

I have the honour to be, with great respect, your excellency's most obedient and very humble servant,

JOHN JAY.¹

His Excellency the Pres- }
ident of Congress. } }

NEW YORK,
December 21, 1785.

SIR, It having been represented to the ministers of the king, my sovereign, that divers of his majesty's subjects, or loyalists, who had property and outstanding debts in these United States anterior to the late war, (and to whom his majesty's benevolence and bounty are now about to extend commensurate with their real losses) have met with great trouble and difficulty in obtaining, and in some instances have been totally refused such office copies from the publick records and papers, as are indispensably necessary to substantiate their claims before a board of commissioners appointed to receive and examine the same; will you give me leave to request of you to be so obliging as to move the honourable Congress of these United States to take the matter into consideration, and to do thereupon as in their wisdom and justice may appear to be fit and proper

¹ Jay's letter is entered only in Secret Journal, Foreign Affairs, No. 5.

upon the occasion, so as that the said loyalists or sufferers, or their attorneys, may have access to the publick records and papers in the several states, (upon paying the lawful or usual fees of office) in the same mode and manner as the subjects of the United States are permitted or accustomed to have.

I have the honour to be, sir, your most faithful and obedient servant,

J. TEMPLE.¹

The Hon. John Jay, Esquire, Sec-
retary for Foreign Affairs, Unit-
ed States of America. }

A Letter from Mr. Temple of the 21st December, 1785, having been referred to the Secretary for foreign Affairs to report on the propriety of the application and expediency of a reply; and the said secretary for foreign Affairs having made the following report. Viz—

OFFICE FOR FOREIGN AFFAIRS,

31st December, 1785.

The Secretary of the United States for the department of foreign Affairs, to whom was referred a Letter to him of the 21st inst. from the Consul General of His Britannic Majesty, representing that Certain persons, called Loyalists, had found difficulties in obtaining and in some instances been refused Office Copies of publick records in the United States, and desiring the interposition of Congress, &c: Reports, That in his Opinion your Secretary should write a Letter of the following tenor to Mr. Adams Viz—

SIR, I have the honour of transmitting to you herewith enclosed a Copy of a Letter of the 21st December from Mr. Temple to me, which I laid before Congress. They have been pleased to direct that you communicate

¹ This letter is entered in Secret Journal, Foreign Affairs, No. 5.

it to his Britannic Majesty. That you inform him that the complaint stated in it, being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it. And that you assure him, that as it is their determination the Treaty of Peace shall be punctually observed by their Citizens, and that his Majesty's subjects shall enjoy here all the rights which friendly and Civilized nations claim from each other; so they will always be ready to hear every complaint which may appear to be well founded, and to redress such of them as on investigation shall prove to be so.

This communication will give you an opportunity of remarking, that the Office of Consul general does not extend to matters of this kind. Neither the rights of commerce nor of Navigation being in question, and therefore that it was delicacy towards his Majesty, rather than the sense of the propriety of such an application from a Consul General, which induces Congress to treat it with this mark of attention.

It would perhaps be well to pursue the subject, to intimate the expediency as well as propriety of sending a Minister here, and if circumstances should so dictate, to accompany it with assurances that Congress expect a Minister, and are ready to receive and treat him in a manner consistent with the respect due to his Sovereign.

The advantage alluded to in one of your letters, if no other, would result from such an appointment, *Viz.* that the British Court would then probably receive more accurate representations of affairs in this Country, than they are at present supplied with by men, who write and speak more as their wishes and feelings, than as truth and knowledge dictate.

I have the honour to be, etc.

The Hon. JOHN ADAMS.

Your secretary is further of Opinion, that he should write the following Answer to Mr. Temple's letter, viz.

SIR, I took the earliest opportunity after the meeting of Congress to lay your Letter of the 21st December before them.

They have ordered a Copy of it to be transmitted to their Minister at the Court of London, with directions to communicate it to his Britannic Majesty, to inform him that the complaint stated in it being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it. And to assure him that as it is their determination the Treaty of Peace shall be punctually observed by their Citizens, and that his Majesty's subjects shall here enjoy all the rights which friendly Civilized Nations claim, from each other, so they will always be ready to hear every complaint which may appear to be well founded, and to redress such as on investigation shall prove to be so.

I have the honour to be, &c.

JOHN TEMPLE, Esq. Consul General, &c.

Resolved, That Congress agree to the said report.¹

OFFICE FOR FOREIGN AFFAIRS,
30th December, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Memorial of Coxe, Frazier, Donaldson &c., praying for a Sea Letter or Passport for the Ship *Canton*, which they purpose to send on a Voyage to Canton in China, Reports—

That in his Opinion a Passport Should be granted to them in the Form following, viz:—

We the United States of America in Congress Assembled unto all Emperors, Kings, Sovereigns, Princes, States and Regents, and to

¹ This proceeding, attested by Charles Thomson, is entered in Secret Journal No. 6 and also in Secret Journal No. 5 by Benjamin Bankson, with minor verbal changes. A copy is in Secret Journal No. 4. Jay's report is in the *Papers of the Continental Congress*, No. 80, I, folio 503.

their several and respective Officers, civil and military, and to all others, whom it may concern make known by these Presents:

That as certain of our Citizens have prepared and fitted out a Ship of the Burthen of two hundred and fifty Tons called the *Canton* Commanded by Captain Thomas Truxton, navigated by twenty-eight men, and armed with four Cannon which carry Balls of six pounds weight, which Ship they propose to send forthwith from the City of Philadelphia in our Commonwealth of Pennsylvania to the City of Canton in the Empire of China. We the said United States do request You and each of You to permit the said Ship to perform her said Voyage and return without Interruption, and that you will be pleased to receive the said Ship and her Captain and Crew with Kindness at all such of your Ports as they may find it necessary or convenient to touch at, and to permit them to enjoy while in your Dominions all those Rights, Privileges, and Immunities of Navigation, Protection, and Trade which Humanity may require and your Laws permit, they behaving with due Respect to your Government and paying the accustomed Duties and Expences.

We for our Parts will always receive and treat your Ships and People in a friendly manner, and will on every Occasion acknowledge such good Offices and Acts of Kindness as you may shew to ours.

In Testimony whereof We, the said United States in Congress Assembled, have hereunto caused our Seal to be affixed and in the absence of our President have directed our Chairman to subscribe his Name. Done in Congress at the City of New York this second day of January in the year of our Lord one thousand and Seven hundred and eighty-six.

All of which is submitted to the Wisdom of Congress.

JOHN JAY.¹

[Motion of Mr. King]

Ordered, That the Secretary of Congress report the number of States, which have complied in whole or in part with the revenue System of Ap^l 18th, 1783. The recommendation of Congress of the same date for an alteration of the 8th of the Art^s of Confed. and the

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 5. According to indorsement it was read this day and the "Question taken and lost."

act of the 30th of Ap^l, 1784, recommending the vesting of certain commercial powers in Congress.¹

TUESDAY, JANUARY 3, 1786.

Congress assembled. Present as before.

OFFICE OF SECRETARY OF CONGRESS,
Jan^y 4, 1786.

In obedience to the orders of Congress, the Secretary of Congress reports:

That the revenue system of 18th April, 1783, consists of two parts—

1st. A recommendation to the States to invest the United States in Congress assembled with a power to levy for the use of the United States, certain duties upon goods imported into the said States from any foreign port, Island, or plantation to be applied to the discharge of the Interest and principal of the debts contracted on the faith of the United States, agreeably to the resolution of 16th Dec^r, 1782, and not to be continued for a longer term than 25 years. The Collectors of the duties to be appointed by the States respectively, but when appointed, to be amenable to, and removeable by the United States in Congress assembled alone. And in case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress assembled.

¹ This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 29, folio 215. According to indorsement and Committee Book No. 190 it was passed this day. The proceeding was also entered, in condensed form, in Resolve Book No. 123. Thomson reported January 4 and, according to indorsement on King's motion, 100 copies of this report were printed.

JANUARY 2: On this day the report of the Secretary of Congress on the letter of December 28, 1785, from Nathaniel Sacket, recommending that, as the act of Congress of April 23, 1784, and the Ordinance of May 20, 1785, covered the matter, the letter be filed, was agreed to.

The report of the Secretary of Congress on the memorial of Henry Delay, John Hole, Cornelius Ludlow, Benjamin Stiles and Henry Enoch, recommending that the memorial be filed was postponed.

Reports of the Secretary of Congress, No. 180.

Also on this day, according to indorsement, was read a petition of John David Woelpper, dated December 8, 1785, praying a settlement of his accounts. It is in No. 41, X, folio 673. See *post*, January 4.

With this part of the Act the following States have complied:

New Hampshire	by Act of 1 st & 2 ^d Jany., 1784.
Massachusetts	do. 30 th Oct ^r , 1783.
Connecticut	do. May, 1784.
New Jersey	do. 11 th June, 1783.
Pennsylvania	do. 23 ^d Sep ^t , 1783.
Virginia	do. Oct ^r , 1783; Chap ^r 31 st
North Carolina	do. June, 1784.
South Carolina	do. 21 st March, 1784.

Rhode Island, in the session of their legislature in the spring of 1785, passed an Act for levying the duties pointed out by Congress, but have therein enacted that the Collectors shall be appointed by and amenable to the General Assembly, and that of the money arising from the duties a certain sum, viz. 8,000 dollars, shall be appropriated in their treasury for the payment of the Interest of that State's proportion of the foreign debt of the United States, and paid to the order of Congress, and that the surplus of the duties and the amount of other taxes ordered by the said Act, shall be appropriated to the payment of the Interest of the internal debt of the United States due within that State. This Act to take effect, when the other States in the Union agree to the said Impost to the acceptance of Congress, and have provided other adequate funds for completing their quota of 1,500,000 dollars, according to the requisition of Congress of 18th April, 1783; but with this proviso and upon this express condition, "that no duties shall be collected upon articles imported into any State upon which the said duties have been paid in any other State and that no duty shall be imposed by any one State upon the citizens of another State, either upon imported Articles having paid the duties aforesaid, or upon any articles of the growth, produce, or manufacture of the United States."

The State of Maryland in June, 1782, pursuant to Acts of Congress of 3^d and 7th Feb^r, 1781, passed "an Act to authorise the United States in Congress assembled to impose and levy a duty of *five per cent* on imported foreign goods, and on all prizes and prize goods for the payment of the debts contracted by Congress during the war." And in the November Session, 1784, their legislature passed a supplement to the aforementioned Act, whereby it should "take effect as soon as 12 States, including that State, vested Congress with similar powers." But it does not appear that they have passed any Act pursuant to the recommendation of Congress of 18th April, 1783.

Delaware it is said has passed an Act conformable to the recommendation above mentioned; but no official information thereof has yet been transmitted to this office or to the board of Treasury.

The second part of the revenue system of 18th April, 1783, consists of a recommendation to the several States to establish for a term limited to 25 years, and to appropriate to the discharge of the Interest and principal of the debts contracted on the faith of the United States for supporting the war substantial and effectual revenues of such nature as they may judge most convenient for supplying their respective proportions of 1,500,000 dollars annually, exclusive of the aforementioned duties. With this part of the Act the following States have complied

New Jersey	by their Act	20 th Dec ^r , 1783.
Pensylvania	do.	Sep ^r , 1783.
North Carolina	do	June, 1784.

Rhode Island in the Act above mentioned has enacted that a tax of one spanish silver milled dollar upon every hundred Acres of land within that State, upon every male poll in the State of 21 Years of Age, and upon every horse or mare of two years old and upwards, shall be annually laid, levied, and collected, and that the amount thereof shall be appropriated to the payment of the Interest of the internal debt of the United States due within that State, with the proviso, and on the condition above set forth.

The Act of the 18th April, 1783, also recommends to the States an Alteration in the 8th of the Articles of Confederation and perpetual union for ascertaining with more convenience and certainty the proportions to be supplied by the States respectively to the common treasury. And the several States are advised to authorise their respective delegates to subscribe and ratify the same as part of the said instrument of Union, in the words therein mentioned.

With this part of the Act, the following States have complied:

Massachusetts	by their Act of	2 ^d July, 1785.
Connecticut	do	May, 1783.
New York	do	April, 1785.
New Jersey	do	June, 1783.
Pensylvania	do.	Aug ^r , 1783.
Maryland	do.	Nov ^r , 1784.
Virginia	do.	May, 1784.
North Carolina	do.	June, 1784.

By the Act of the 30th April, 1784, it is recommended to the Legislatures of the several States to vest the United States in Congress assembled with power—

1st. To prohibit any goods, wares, or merchandize from being imported into, or exported from any of the States in vessels belonging to, or navigated by the Subjects of any power, with whom these States have not formed treaties of commerce.

2^d. To prohibit the subjects of any foreign State, Kingdom, or Empire, unless authorized by treaty, from importing into the United [States], any goods, wares or merchandizes, which are not the produce, or manufacture of the dominions of the Sovereign, whose Subjects they are.

In pursuance of this Act—

New Hampshire has invested Congress for 15 years with full power to regulate the trade of the United States, as they may judge best calculated to promote the weal and prosperity thereof, the fees, profits, and emoluments arising from their regulations to be appropriated to the sole use of discharging public debts. (See Act 22^d June, 1785).

Massachusetts has passed a law in the terms of the recommendation 1st July, 1784.

Rhode Island has empowered their delegates to agree to and ratify any Article empowering the United States in Congress assembled to regulate, restrain, or prohibit the importation of all foreign goods in any but American Vessels (see Act passed in Feb^r Session, 1785); and by an additional Act passed Oct^r, 1785, the Delegates are empowered to regulate the trade and commerce of the respective States and Citizens thereof with each other and to regulate, restrain, and prohibit the importation of all foreign goods in American vessels for 25 years.

New York has passed an Act in the terms of the recommendation 4th April, 1785.

New Jersey 26 Nov^r, 1785.

Pensylvania the same 15th, Dec^r, 1784.

Maryland the same Nov^r, 1784.

Virginia the same 3 May, 1784.

North Carolina the same 2 June, 1784.

Connecticut the same May, 1785.

Ordered, That the above report be printed for the use of the members.¹

¹ This report, in the writing of Roger Alden, except the date line and the final order, which are in Thomson's writing, is in Reports of the Secretary of Congress, No. 180.

On the petition of John David Woelper, late a captain in the service of the United States, representing that there is a balance due to him from the United States for monies which he advanced in the recruiting service from Nov^r, 1776, to May, 1777.

The Secretary of Congress reports—

That by the account exhibited by the petitioner it appears that in June, 1778, his claim was audited and adjusted by Mr. M. Clarkson the Auditor for Army Accounts and the sum found due was paid him in continental Money.

That the tendency of his petition is to have a new settlement and to have an allowance made him for the depreciation of the continental Money.

That in all applications of a similar nature the Committees of Congress have uniformly reported against a revisal of settled acco^{ts}

The Secretary therefore reports
 Agreed to. That the petition be filed.¹

THURSDAY, JANUARY 5, 1786.

Congress assembled. Present as before.

“To report Steps taken for destroying Continental Bills of Credit, the quantity destroyed, by whom and where, previous to 18th September, 1782, and what in consequence of the Act of that date.”

January 5, 1786, *Ordered* That the above be referred to Board of Treasury to take order.²

OFFICE FOR FOREIGN AFFAIRS, 2^d January, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter to his Excellency the President dated 28th August, 1785, from Richard OBryen and others in Captivity at Algiers; which Letter was transmitted enclosed in one from James Wilkie of Marsilles, reports:

That this Letter states, that the Ship *Dauphin*, Richard OBryen, Master, of Philadelphia, bound from S^t Ubes, was taken the 30th July, last, having fifteen Souls on Board.

That the schooner *Maria*, Capt. Isaac Stephens, Master, of Boston,

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, Reports of the Secretary of Congress, No. 180.

² This proceeding is entered by Benjamin Bankson in Resolve Book No. 123. It was also noted by Thomson in Committee Book No. 190, where it is stated that the Board reported January 25.

bound from that Place to Cadiz, was taken the 27th July last having six Persons on board.

That they were carried to Algiers, and sent to work at the King's Places, in a destitute Condition, and there kept to Labour with a very scanty Allowance of Provisions.

That Charles Logie Esquire the british Consul there, afterwards took them to his House, on becoming responsible for them at the Rate of 600£ Sterlg. a Man, and engaging to pay monthly two Dollars for each of them to the King.

Your Secretary is of Opinion that a Copy of this Letter should be sent to the American Ministers Charged with negotiating Peace with the Barbary Powers, with orders to provide for the Redemption of these and all other Americans detained there in Captivity, in the most speedy and least expensive manner, which the State of their Negotiations and other Circumstances may admit.

Your Secretary is further of Opinion that the American Minister at the Court of London be directed to signify to his britannic Majesty the Sense they entertain of the Humanity and Generosity of his Consul Charles Logie Esquire. That he also write a Letter to M^r Logie and inform him that the United States are exceedingly pleased with his Conduct, and will immediately provide for the Reimbursement of the Expences incurred by his Generosity to their captive Citizens. That he also make further Enquiries concerning the friendly and liberal Behaviour of M^r Logie, and transmit the Result of them to your Secretary without Delay.

Your Secretary further Reports that in his Opinion it will be necessary to provide in Season for supplying the Ministers directed to treat with the Powers in Question, with further Funds, it appearing very doubtful whether the Sum granted to them will be adequate to the Attainment of the Objects of those Negotiations, especially as the Expence of purchasing Peace will naturally be enhanced by the Number and Value of the Captives to be liberated.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.¹

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 9. According to indorsement it was read January 5.

On this day also was read the report of January 3, of the Secretary for Foreign Affairs, on the letter of November 4, 1785, from the Governor of Massachusetts to the Delegates from that State, in Congress. It was adopted verbatim, January 31, and was spread on the Secret Journal of that date, *q. v.*

OFFICE FOR FOREIGN AFFAIRS,
3^d January, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 29th Ult: from the Encargado de Negocios of Spain enclosing a Decree of the 28th May last which directed what Flags should in future be used by the Navy and Merchant Ships of that Kingdom, Reports:

That in his Opinion the Translation of that Decree should be published; and that your Secretary should have thirteen Copies prepared with a Design of the Flags annexed, and transmit one to the Executive of each of the States.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

FRIDAY, JANUARY 6, 1786.

Congress assembled. Present as before.

On a report from the Secretary to the United States of America for the department of foreign Affairs, to whom was referred a letter of the 29 of last Month, from the Encargado de Negocios of Spain, enclosing a decree of the 28 May, 1785, which directed what flags should in future be used by the Navy and Merchant ships of that kingdom:

Ordered, That the decree be published and that the Secretary for foreign Affairs have thirteen copies prepared with a design of the flags annexed, and transmit one to the executive of each of the States.²

On a report of the Secretary to the United States of America for the department of foreign Affairs, to whom was referred his letter of the 29th December, enclosing a letter of the 19th of that Month from the Chargé des Affaires of France, with a brevet of the 22 day of June, 1785, appointing the Sieur de la Forest, vice consul of France, for the United States;

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 11. According to indorsement it was: "read 5 Jan^y, 1786, passed 6 Jan^y, 1786."

² This proceeding was also entered in Secret Journal, Foreign Affairs, No. 5. Copies of the decree, with pictures of the flags, in color, are in No. 97, folios 109 and 116.

OFFICE FOR FOREIGN AFFAIRS,
6th January, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter to his Excellency the President of 29th Ult: enclosing a Letter of the 19th of that Month from the Chargé des Affaires of France with a Brevet of 22^d Day of June, 1785, appointing the Sieur de la Forest Vice Consul of France for the United States, Reports:

That the said Letter from the Chargé des Affaires of France states—

That his Most Christian Majesty has appointed Mons^r de la Forest to discharge near the United States in Congress Assembled, the Functions of Vice Consul General, and also those of Vice Consul in the States of Pennsylvania and Delaware.

That these two Employments had been United on a Supposition that Congress would reside on the Banks of the Delaware.

That the Residence of Congress at New York had induced M^r De Marbois to request further Orders from his Court. That the Minister had answered that the Functions of the Vice Consulate at Philadelphia having already been exercised by the younger Brother of M^r De Marbois when the Removal of Congress carried that Consul General to New York, there would be no Inconvenience in leaving the Brevet as it was, and causing M^r de la Forrest to be recognized as Vice Consul General near Congress, which the Chargé des Affaires requests may be done.

Wherefore your Secretary reports that—

Whereas the Sieur de la Forest, has presented to Congress, a brevet from his most Christian Majesty, bearing date 22d day of June, 1785, appointing him vice consul general in the United States:

Resolved, That the Sieur de la Forest be, and he hereby is received and recognized as the vice consul general of his most Christian Majesty, in the United States; and that the said brevet be registered in the Secretary's Office.

Resolved, That all the privileges, preeminences and authority belonging to the said character and quality, are due to the said Sieur de la Forest, and shall be enjoyed by him.

Ordered, That a certified copy of the above resolutions be transmitted by the Secretary to the United States of America, for the department of foreign Affairs, to the Sieur de la Forest, and also to the executive of each of the states for their Information.¹

The Committee [consisting of Mr. William Houstoun, Mr. William Grayson, Mr. John Kean, Mr. Charles Pettit, and Mr. William Samuel Johnson] to whom the Letter from the Secretary at War was refer'd recommend the foll^g resolve:

Resolved, That the Post Master General be and he is hereby authorized and directed to establish a Communication by Post between Philadelphia and Fort Macintosh on the River Ohio; the Post to travel once in a fortnight from Philadelphia to and once in a Month from to . And also that he be authorized to employ Expresses on the same Route on the application of the Secretary at War or the Secretary of Congress.²

GENERAL POST OFFICE,

January 3^d, 1786.

SIR: There is in my Hands a Sum of Money received formerly for Postage on Letters by the British Packets. This Money belongs to the British Post Office, and would long since have been paid to the Agent for the Packets, had not the Sheriff of Philadelphia attached it in my Hands to secure the Payment of a Debt alledged to be due from Mr. Foxcroft (the Agent) to a Mr. Tillier of Philadelphia for Services performed by him under the Directions of Mr. Foxcroft, then one of the joint Postmasters General for America. Mr. Foxcroft complains of the Detention of this Money as a Hardship; and informs me that he can neither procure a Settlement of his Accounts with the British General Post Office, nor the Payment of his Salary as Agent for the Packets, until he can make this Remittance; and therefore is urgent with me to pay him the Balance due, upon Condition of his giving satisfactory Security for the Repayment of it

¹ The report, adopted verbatim as above, is in No. 80, II, folio 23. According to indorsement it was read this day. The resolves and order were also entered in Secret Journal, Foreign Affairs, No. 5.

² This report, in the writing of William Houstoun, is in the *Papers of the Continental Congress*, No. 27, folio 283. According to Thomson's indorsement it was read January 6, 1786. The committee was appointed December 27, 1785. See *post*, February 25.

in Case Judgment should be given against him. As I hold this Money, not in my private Capacity, but as Postmaster General, I do not consider myself at Liberty to act in this Case without particular Instructions, and must therefore request your Excellency to lay it before Congress.

I have the Honor to be etc.¹

EBEN HAZARD.

MONDAY, JANUARY 9, 1786.

Congress assembled. Present as before.²

TUESDAY, WEDNESDAY & THURSDAY.

Congress assembled. Present as before.

[Jan. 11, 1786.]

The committee [Mr. Rufus King, Mr. William Samuel Johnson and Mr. Pierse Long] to whom was referred a Report from Mr. Pennell, Commissioner for the Marine Department, relative to monies obtained in the Island of Martinique, for the repairs and outfits of the Ship *Confederacy*, submit the following Report,

That the Sieur Borde correspondent of the Commissary for Naval Supplies in the Island of Martinique, furnished Mr. Bingham, Agent of the United States in that Island, with Bills of Exchange drawn in his favor, on the Commissary General, and paid by the Treasurer General, of the French Marine to the amount of Livres 64,067.12.2 $\frac{2}{3}$ which sum was requisite for the Repairs and outfits of the Ship *Confederacy*. That Mr. Bingham in a settlement of his accounts, charged the United States with that sum, as supplied through him by the Government of Martinique, which charge hath been allowed, and paid by the United States to Mr. Bingham. Your Committee cannot but presume that Mr. Bingham before this time, must have paid over to the said Correspondent of the Commissary General, or to such other person as may have had author-

¹ This letter is in the *Papers of the Continental Congress*, No. 61, folio 251. According to indorsement it was read this day.

² On this day, according to indorsement and Committee Book No. 190, a letter of December 24, 1785, from General John Sullivan submitting his case of pay depreciation was read and referred to Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [John] Lawrance, Mr. [Rufus] King, and Mr. [Pierse] Long, who reported February 7.

ity to receive the same, the aforesaid sum of Livres 64,067.12.2½ paid him by the United States to discharge the debt aforesaid.

Whereupon they submit the following Resolution,

Resolved, That the Commissioners of the Board of Treasury cause notice to be given to Mr. Bingham, late Agent of the United States in Martinique, of the request made to Congress by the Treasurer General of the french Marine, for the payment of the aforesaid sum, and that they likewise communicate to Mr. Bingham the direction of Congress that (provided the same is not already accomplished) he does without delay exonerate the United States from the debt aforesaid by applying for that purpose the monies by him received of the United States, expressly for that Object.

January 11, 1786.

Ordered, That the foregoing Report be referred to the Board of Treasury to take Order.¹

[January 12th 1786.]

The Board of Treasury to whom it was Referred, to Revise the System adopted for the Settlement of the Accounts of the five great Departments, and to report such Alterations therein, or such other Mode as in their Opinion may be more conducive to a speedy and just Settlement of said Accounts, Beg leave to Report:

That, in pursuance of the Reference above mentioned they have turned their attention to the situation of the Public Accounts; the present Arrangements for adjusting the same; and the progress made in this important Business.

That from the result of this Examination, they are imprest with a conviction that the present System for Settling the Accounts in the five great Departments, is more expensive than is consistent with the present state of the Finances, and not calculated to bring those extensive Accounts to a speedy and final Adjustment.

That an uniformity of principles in the Settlement of these Accounts is essential to private as well as Public Justice; and that such a connection exists betwixt the Accounts of the several Departments, as to render a reference to the Papers of Officers employed in the different

¹ This proceeding, in the writing of Benjamin Bankson, is entered in Resolve Book, No. 123. A copy by Roger Alden is in No. 26, folio 573, is indorsed with the names of the committee and the action taken.

Branches, frequent and indispensably necessary: And that, from these circumstances, arises a necessity of Establishing the different Offices in one Building, and placing the General Superintendance of the Settlement of Accounts under the direction of *one* person well qualified for this important trust, and who will devote his whole attention to the Execution of it.

That, to the advantages to be derived from this measure may be added, the facility which Accountants will find in closing their Public Transactions, and an easier intercourse betwixt this Board, and the Persons employed in that Business, than can be kept up in the present dispers'd situation of the several Officers. The Board beg leave further to Report to Congress:

That the Yearly Expense of the present Offices for Settling the Accounts of the five great Departments, is not less than thirteen thousand, five hundred Dollars; and that in the Judgement of this Board, the Yearly Expenditure of Nine thousand Dollars will, under a proper Arrangement, compleat this necessary work in a more speedy and efficacious manner.

From these considerations, the Board beg leave to submit to the Judgement of Congress the following Resolves, viz!:

Resolved, That the Resolves of Congress of the 27th February, 1782, so far as they relate to the Appointment of Commissioners for Settling the Accounts of the five great Departments be Repealed. That the respective Commissioners deliver to the Order of the Board of Treasury, the Books and Papers of their several Offices; and that they Account respectively with the Comptroller of the Treasury, for the Amount of the Certificate paper delivered to them.

That the Board of Treasury be, and they are hereby empowered and directed to Apply out of the Monies heretofore Granted for the said Departments, a Sum not exceeding Nine thousand Dollars, per annum, for the sole and express purpose of procuring a speedy Settlement of the Accounts of the said Departments. That the Superintendance of the Settlement of the said Accounts, be vested in one person; and that he Exercise all the powers, in the Adjustment of the same, as were assigned to the said Commissioners by any former Resolves of Congress.

That in Organizing the said Office, the Board of Treasury be, and they are hereby Authorized to engage such Persons as they may judge best adapted for their respective Stations, Reporting to Congress the Names of those employed and their several Allowances.

That all Persons employed in Adjusting the said Accounts, take the Oath of Office previous to their entering on the Execution of the Trust reposed in them.¹

OFFICE OF SECRETARY OF CONGRESS,

Jan^y 12, 1786.

On the letter of the 6 September, 1785, from the Marq^s de la Fayette and the Mem^l of the S^t D'argaynarats stating that in the year 1778 he freighted a ship in which he sent to America sundry merchandize and Warlike stores; that the ship arrived at Salem in Massachusetts and the cargo was sold by a Mons^r la Fitte a merch^t That the returns made him was only an Acco^t of 143,616 doll^{rs} in cont. Currency which on the 26 March, 1782, was deposited in the Consul general's Office at Boston; that this paper still remains there; that the value of the merchandize and stores sent formed the whole of his fortune and that by not receiving any return, he and his large family are reduced to indigence &c.

The Secretary of Congress reports That the subject of the deposits made by the subjects of his M. C. Majesty at different periods in the chancery of the Consulate amounting to between 5 and six millions of dollars has with other matters been stated to Congress in a note from M^r De Marbois Chargé des Affairs of France dated 16 May, 1785, and that a report of the board of treasury on that note now lies for the Consideration of Congress.

And therefore the Sec^y is of Opinion that the Mem^l of the S^t D'argaynarts should be filed until Congress shall have come to a decision on the said report.

Agreed to 17 Jan^y

Reports of Secretary of Congress No. 180.

TUESDAY, JANUARY 17, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and South Carolina; and from the State of Maryland, Mr.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 109. It was apparently read this day and is indorsed by Thomson: "Tuesday Jan^y 24 assigned." It was printed between January 12 and 24 and one of the printed copies is on folio 117, indorsed: "Jany 25, 1786, Referred to Mr. Pinckney, Mr. Dane, Mr. Monroe, Mr. Johnson, Mr. King."

[William] Hindman; from Virginia, Mr. [James] Monroe, and from Georgia, Mr. [William] Houstoun.

Mr. Hindman produced credentials, dated the 6 November, 1785; by which it appears, that the hon^{ble} John Henry, William Hindman, William Harrison, Richard Ridgely and Nathaniel Ramsay, were empowered and authorised to represent the State of Maryland in the United States in Congress Assembled, for one whole year, from the second Monday in December, 1785.

To the Honorable John Henry, William Hindman, William Harrison, Richard Ridgely and Nathaniel Ramsey, Esquires:

THE STATE OF MARYLAND reposing especial Trust and Confidence in your diligence, wisdom and fidelity, hath appointed you Delegates for this State in the United States in Congress assembled, with full

W. SMALLWOOD
[With the Great Seal
appendant.] power and authority to you, or any two or more of you, to represent and act for this State in the United

States in Congress assembled, for one whole year from the second Monday in December next; and also you or either of you are fully empowered and authorised to represent and Act for the State in a Committee of the States, which may within the time aforesaid be appointed by the United States in Congress assembled.

Given under my Hand and the Seal of the State, at the City of Annapolis, this Twenty-sixth Day of November Anno Domini One thousand seven hundred and Eighty-five.¹

Mr. Nathaniel Gorham, a delegate for the Commonwealth of Massachusetts, and Mr. Peter W. Yates, a delegate for the State of New York, attended, and took their seats in Congress.

WAR OFFICE, *Jan^y 16, 1786.*

The Secretary of the United States for the Department of War to whom was referred the Petition of Johannes Schrine a Mohawk indian, reports:

That not having any personal knowledge of said Schrine and the petition being unaccompanied by any certificates to support it your secretary thought it necessary to apply to the late General Schuyler

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

for information respecting him: the answer which is annexed contains an ample statement of the circumstances relating to the said Johannes Schrine.

In addition to the above mentioned letter there are nine affidavits of the inhabitants of the district where Shrine resided taken before M^r Justice Harpur of Montgomery county tending to prove that the said Johannes Schrine previous to the year 1779 was esteemed attached to the American cause.

It is also asserted by Schrines friends that his family were in the hands of the british parties, and that had he left them when on their predatory incursions his wife and children must have suffered for his conduct.

On the information given your secretary observes that there is no evidence to prove that Johannes Schrine ever acted in favor of America unless his going with a flag can be so construed; that with respect to his pay of a captain it is evident from General Schuyler's information that he is not intitled to it from the United States.

But as it appears to be an important policy to conciliate the good dispositions of the indians generally and as Johannes Schrine appears to have been a chief held in considerable estimation, your Secretary is of opinion that it would be proper to make him some donation for the loss of his stock &c, he therefore submits the following resolve:

Resolved, That the sum of one hundred dollars be paid to Johannes Schrine, an indian chief of the Mohawk tribe as a compensation for the services and sufferings which he alledges to have performed and sustained in the service of the United States.

H. KNOX.¹

WEDNESDAY, JANUARY, 18, 1786.

Congress assembled. Present as yesterday.

“An offer of the delegates of Connecticut to make a cession conformable to an Act of that State of Jan^y 1784 and a Motion that Congress w^d accept it” [Referred to] “Mr. [William Samuel] Johnson,

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 137. According to indorsement it was read January 17 and passed May 8. A copy of Schuyler's letter is on folio 141 and Roger Alden has indorsed the report: “9 affidavits delivered to Rob^t Boyd Esq^r March 14, 1786.”

On this day the report of the Secretary of Congress on the memorial of the Sieur D'Argaynarats was agreed to. See *ante*, January 12.

Mr. [William] Hindman, Mr. [William] Grayson, Mr. [David] Ramsay, Mr. [Samuel] Livermore. Report April 10.”¹

BOARD OF TREASURY,
Jan^y 18th 1786.

SIR: In obedience to the act of Congress of the 5th instant we do ourselves the Honor of transmitting to your Excellency an account of Continental Money destroyed previous to the 18th September, 1782, and what has been since cancelled in pursuance of that Resolve.

Congress will observe that there is no return in this office of any monies destroyed by the Commissioners of the several States, excepting New Hampshire. We have, in consequence of the resolve of Congress written to those officers, to transmit to this Board returns of all monies they may have destroyed since the 18th Sep^r 1782, which we shall do ourselves the Honor of laying before Congress, as soon as they come to hand.²

No. 1

An Account of Continental Bills destroyed at Philadelphia; in the presence of Francis Hopkinson, Esq^t, Treasurer of Loans, by Commissioners, for that purpose appointed; agreeably to Acts of Congress, previous to the 18th September, 1782:

When destroyed	From whom received		Sums destroyed
	From New Hampshire		
1780, June	Treasurer of s ^d State	-----	200, 000
“ “	Nicholas Gilman, Loan Officer	----	496, 950
“ “	Ditto	d ^o ----	4, 572
1781, June	Ditto	d ^o ----	2, 299, 769

	3, 001, 291		
	From Massachusetts		
1779, Sept.	Nathaniel Appleton, L. O. s ^d State	-----	6, 635, 550
1781, June	Ditto	d ^o ----	12, 984, 687
July	Ditto	d ^o -	46, 959
“	Treasurer of s ^d State	-----	821, 152
Novem.	Nathaniel Appleton, L. O.	d ^o ----	16, 876, 618
1782, Aug ^t	Ditto	d ^o -	38, 725

	37, 402, 691		

¹ This entry, in Thomson's writing, is in Committee Book No. 190. An attested copy of the Connecticut act is in No. 30, folio 575.

Also, on this day, according to Committee Book No. 190, a letter from Mathias Ogden, dated January 6, in reference to a mint, was referred to the Board of Treasury to report.

² This letter, signed by Walter Livingston and Arthur Lee, with its inclosure, is in the *Papers of the Continental Congress*, No. 139, folios 57 and 69-71. According to the indorsement, it was read this day.

When destroyed	From whom received		Sums destroyed
	From Rhode Island		
1779, July	Joseph Clark, L. O. s ^d State-----	\$735, 933	
"	Ditto d ^o -----	10, 439	
"	Treasurer of s ^d State-----	195, 018	
1780, March	Ditto -----	8, 238	
		<hr/>	\$949, 628
	From Connecticut		
1780, Jan ^y	John Laurence, L. O. s ^d State----	1, 592, 159	
"	Treasurer of s ^d State-----	1, 367, 537	
		<hr/>	2, 959, 696
	From New York		
1779, June	Derrick Ten Broeck, L. O. s ^d State--	1, 841, 856	
Nov ^r	Ditto -----	5, 130	
1781, Jan ^y	Abraham Yates, L. O-----	599, 396	
1782, Jan ^y	Ditto -----	3, 817	
"	Ditto -----	1, 373, 811. 45	
		<hr/>	3, 824, 010. 45
	From New Jersey		
1779, June	Joseph Borden, L. O. s ^d State-----	768, 466	
July	Ditto -----	483, 444	
Oct ^o	Ditto -----	554, 505	
1780, Nov ^r	Ditto -----	949, 430	
Dec ^r	Ditto -----	237, 839. 60	
1781, March	Ditto -----	631, 523	
May	Ditto -----	712, 824. 45	
August	Ditto -----	1, 456, 417. 15	
October	Ditto -----	1, 139, 180. 15	
1782, Feb ^y	Ditto -----	1, 207, 111	
1783, Feb ^y	Ditto -----	392, 833. 30	
		<hr/>	8, 533, 573. 75
	From Pennsylvania		
1779, June	Tho. Smith, L. O. s ^d State-----	73, 600	
July	Ditto -----	537, 401	
May	Treasurer of s ^d State-----	166, 000	
Dec ^r	Thomas Smith, L. O. s ^d State----	1, 397, 002	
1780, Feb ^y	Ditto -----	6, 220, 313	
March	Ditto -----	709, 484	
"	Ditto -----	736, 430	
1781, Feb ^y	Ditto -----	1, 400, 527	
April	Ditto -----	2, 599, 987	
May	Ditto -----	1, 999, 995	
August	Ditto -----	28, 323	
"	Ditto -----	4, 402, 413	
1782, May	Ditto -----	3, 367, 670	
June	Ditto -----	2, 805, 317. 60	
July	Ditto -----	5, 009, 343. 15	
August	Ditto -----	1, 599, 758. 30	

When destroyed	From whom received	Sums destroyed
Thomas Smith, L. O. s ^d State—Continued.		
1782, Novem.	Ditto -----	\$2, 954, 918
Decem.	Ditto -----	1, 000, 391
“	Ditto -----	77, 623. 45
1783, Jan ^r	Ditto -----	47, 535. 45
“	Ditto -----	331, 368. 45
		-----\$37, 465, 400. 60
From Delaware		
1779, May	Treasurer of s ^d State -----	59, 997
“	Ditto -----	164, 527
June	Ditto -----	150, 003
“	Samuel Patterson, L. O. s ^d State ..	157, 894
1780, Mar.	Ditto --	3, 899
1782, Jan ^r	Ditto --	2, 246, 683. 15
May	Ditto --	243, 127. 45
		----- 3, 026, 130. 60
From Maryland		
1780, Nov ^r	Thomas Harwood, L. O. Maryland ..	115, 116. 60
From Virginia		
1779, Dec ^r	William Armistead, Loan Officer s ^d State for -----	4, 848, 100
1781, Ap ^l	John Hopkins, Loan Officer d ^r -	105, 433
	Ditto -	802, 717
May	Ditto -	5, 785, 555. 45
		----- 11, 541, 805. 45
From South Carolina		
1780, March	Gibbs Parker & Blake, L. Officers s ^d State -----	1, 814, 471
1782, Jan ^r	Ditto -----	221, 387
		----- 2, 035, 858
From the Pay Master General's Dept.		
1779, May	Benj ^a Stelle, Ass ^t P. M. -----	48, 211
“	William Palfrey, Pay M ^r Gen ^l ----	184, 887
1780, June	Ditto -----	8, 893
1779, June	Thomas Read Ass ^t P. M. -----	24, 851
1779, Sep ^t	Jona ^b Burrall, Ass ^t P. M. -----	15, 335
		----- 282, 177
From the Board of War		
1779, June	Jos. Carleton, Pay M ^r to B. W. ---	83, 202
	From Gen ^l Schuyler and Jonathan Trumbull ----	30. 60
1780, June	From the Managers of the United States Lottery -	184, 513

		Dollars 111, 406, 124. 45

REGISTERS OFFICE,
14 January, 1786.

JOSEPH NOURSE, *Reg^r*

No. 2

Account of Bills of Credit destroyed in pursuance of an Act of Congress of 18th Sept., 1782.

When destroyed	By whom destroyed	Amount destroyed
1783, July	Stephen Gorham, Commiss ^r for N. Hampshire-----	29, 231

NOTE.—The above is the only return of money destroyed by virtue of s^d act of Congress that hath been received at the Treasury.

JOSEPH NOURSE, *Reg^r*.

Emissions of Continental Money

Dr.	Cr.
To amount brought into the Treasury and destroyed as per acco ^t N ^o 1-----	By amount of the several emissions of Continental Bills of Credit-----
111, 406, 124. 45	241, 562, 775
To amount destroyed as per N ^o 2-----	
29, 231	
To Balance outstanding-----	
130, 127, 419. 45	
Dollars 241, 562, 775	Dollars 241, 562, 775

REGISTERS OFFICE, 14 January, 1786.

JOSEPH NOURSE, *Reg^r*.

THURSDAY, JANUARY 19, 1786.

Congress assembled. Present as before.

“To report an Estimate of the monies necessary for the services and Engagements of the current year.”

January 19, 1786, *Ordered*, That the above be referred to the Board of Treasury to take Order.¹

MONDAY, JANUARY 23, 1786.

Congress assembled. Present as before.²

¹ This proceeding is entered in Resolve Book No. 123 by Benjamin Bankson. It was also noted by Thomson in Committee Book No. 190, with the added information that a report was rendered February 25.

² On this day, according to indorsement, was read a letter of January 20, from the Secretary for Foreign Affairs, on the propriety of appointing a consul to the port of Canton, China.

Also a letter of the same date from the same Secretary, transmitting letters and papers from William Carmichael. Jay's letters are in the *Papers of the Continental Congress*, No. 80, II, folios 125 and 129. Carmichael's letters dated July 15 and July 25, 1785, with enclosures, are in No. 88, II, folios 400–452.

TUESDAY, JANUARY 24, 1786.

Congress assembled. Present as before.¹

WEDNESDAY, JANUARY 25, 1786.

Congress assembled. Present as before.²

BOARD OF TREASURY, *Jan^y 18th, 1786.*

SIR: In Obedience to the Act of Congress of the 5th Instant We do ourselves the Honor of transmitting to your Excellency an account of Continental money distroy'd previous to the 18th September, 1782, and what has been since cancell'd in pursuance of that Resolve. Congress will observe that there is no Return in this Office of any Monies distroy'd by the Commissioners of the Several States, Excepting Newhampshire. We have in Consequence of the Resolve of

¹JANUARY 24: The following committees were appointed: Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson and Mr. [William] Hindman, on the letter of January 6 from Cyrus Griffin "respecting the stoppage of his pay as a judge of the Court of Appeals." A report was rendered February 6. See *post*, February 8.

Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [Charles] Pettit, Mr. [Charles] Pinckney and Mr. [Samuel] Livermore, on "The report of the Secretary for Foreign Affairs and all the papers relative to the capture of the Sloop *Chester*." A report was rendered March 22; under this date Committee Book No. 189 states that action was taken July 24, 1786. This case dates back to the year 1777 and the papers relating to it are in No. 45, folios 93-253.

Also, the petition of Dr. John Morgan respecting the settlement of his accounts was referred to the Board of Treasury.

Committee Book No. 190.

²JANUARY 25: The following committees were appointed:

Mr. [Melancton] Smith, Mr. [Charles] Pinckney and Mr. [Pierse] Long, on petition of Isaac Sears and Paschal N. Smith for sea-letters for the ship *Hope* to Canton. The committee reported January 26 and action was taken this same day.

Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [James] Monroe, Mr. [William Samuel] Johnson and Mr. [Rufus] King, on the report of the Board of Treasury on the settlement of accounts of the Five Great Departments. A report was rendered January 31.

Committee Book No. 190.

Also, according to indorsement, was read a petition of Wm. M. Smith, dated January 21, praying for pay and subsistence for services as chief engineer in New York City in 1776. It is in No. 42, VII, folio 1, and was acted on by Congress September 4, 1786. See *post*, January 26.

Also was read a letter of January 3, 1786, from Nathanael Greene forwarding a letter to him from William Finnie, and justifying Finnie's plea. It is in No. 155, II, folio 702. A copy of Finnie's letter is on folio 706.

Congress written to those Officers to transmit to this Board Returns of all Monies they may have distroy'd since the 18th Sep^r, 1782, which we shall do ourselves the Honor of laying before Congress, as soon as they come to hand.

We have the Honor etc.¹

THURSDAY, JANUARY 26, 1786.

Congress assembled. Present as before.

The committee, consisting of Mr. [Melancton] Smith, Mr. [Charles] Pinckney and Mr. [Pierse] Long, to whom was referred a petition of I. Sears and P. N. Smith, praying for Sea letters for the ship *Hope*, James Magee, master, report; that the ship *Hope* and her cargo, are the property of Citizens of the United States; that the said ship is principally navigated by inhabitants of the United States, and is bound on a voyage to Canton, in China; Whereupon,

Resolved, That a sea letter be granted for the Ship *Hope*, James Magee, master, in the form of that granted for the ship Canton, *mutatis mutandis*.

On the question to agree to this resolution, the yeas and nays being required by Mr. [Melancton] Smith,

<i>New Hampshire,</i>			<i>New York,</i>	
Mr. Long,	ay	}ay	Mr. Haring,	ay
Livermore,	ay		Smith,	ay
<i>Massachusetts,</i>			<i>New Jersey,</i>	
Mr. Gorham,	ay	}ay	Mr. Cadwalader,	ay
King,	ay		Symmes,	no
Dane,	ay		Hornblower,	ay
<i>Connecticut,</i>			<i>Pennsylvania,</i>	
Mr. Johnson,	ay	}ay	Mr. Pettit,	ay
Mitchell,	ay		Bayard,	ay

¹ This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 57. According to indorsement it was read this day. The Register's account of bills destroyed is dated January 14 and is on folios 69-77.

Maryland,			South Carolina,	
Mr. Hindman,	ay }*		Mr. Pinckney,	ay
Virginia,			Ramsay,	ay
Mr. Monroe,	ay }*		Kean,	ay
			Georgia,	
			Mr. Houstoun,	ay }*

So it was resolved in the affirmative.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Melancton] Smith,

Resolved, That a consul be appointed to reside at Canton, who shall not be entitled to receive any Salary, fees or emoluments of Office; and that to Morrow be assigned for the election of the said Consul.¹

FRIDAY, JANUARY 27, 1786.

Congress assembled. Present as before.

According to Order, Congress proceeded to the election of a Consul, to reside at Canton, and, the ballots being taken, Mr. Samuel Shaw was elected; having been previously nominated by Mr. [Charles] Pinckney.

Ordered, That the Secretary for foreign Affairs prepare a commission for Mr. Shaw, as consul of the United States of

¹ These proceedings were also entered in the Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson.

Also, on this day, according to indorsement, the petition of Daniel Baldwin, dated January 20, praying compensation for services and money expended in secret services during the late war, was read and referred to the Secretary at War to report. It is in No. 41, I, folio 431, and is indorsed by Roger Alden: "Feb^y 6th, 1787. All the papers attending this mem^l delivered to Cap^t Baldwin p^r rec^d filed." The Secretary at War reported March 21.

Also, according to Committee Book No. 190, the petitions of "Pallin Jackson for commutation" and that of Wm. M. Smith for pay and subsistence, were referred to the Commissioner of Army Accounts to report. Report on Smith's petition was rendered February 6. It is dated January 21, 1786, and is in No. 42, VII, folio 1. See *ante*, January 25, also *post*, September 4. These petitions had been referred, previously, to the Secretary of Congress and Thomson's report, January 26, was agreed to this day, and the petitions referred to the Commissioner for Army Accounts. Thomson's report, so recommending, is in No. 180, Reports of the Secretary of Congress.

Also, according to Committee Book No. 190, Samuel Shaw was this day nominated as Consul for Canton, China, by Mr. [Charles] Pinckney.

America, at Canton; that the same, when prepared, be signed by the chairman, and that the great Seal of the United States be thereto affixed.¹

MONDAY, JANUARY 30, 1786.

Congress assembled. Present as before.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [Nathaniel] Gorham:

Ordered, That the Chairman write to the Executives of the States of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, stating to them the inconveniences arising from a want of a sufficient number of States to proceed on the business of the Union, and earnestly pressing them to send on their delegates immediately.²

The Committee consisting of Mr. [John] Bayard, Mr. [Rufus] King, and Mr. [Stephen Mix] Mitchell, to whom were refer'd the

¹ This proceeding is also entered in Secret Journal, Foreign Affairs, No. 5, by Benjamin Bankson.

JANUARY 27: The following committees were appointed: Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [Stephen Mix] Mitchell, on the "Petition of sundry persons in the quartermasters department in Massachusetts for depreciation." This committee "discharged 1786, April 7. The papers to be returned to the Petitioners."

Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Nathaniel] Gorham, Mr. [John Cleves] Symmes and Mr. [Samuel] Livermore, on the "Report on the motion of Mr. [John Francis] Mercer on the measures to be taken for carrying into effect the recommendations of 18 Ap. 1783." Report was rendered February 2. See *post* February 3.

Committee Book No. 190.

² JANUARY 30: The following committee was appointed: Mr. [Nathaniel] Gorham, Mr. [Charles] Pettit and Mr. [John] Bayard, on a memorial of Hendrick Wyckoff for sea letters for a vessel to India. The committee reported January 31. The memorial is in No. 41, X, folio 681.

Also the memorial of John Clark, dated January 7, praying for reimbursement for depreciation of his pay while Auditor of the Army, was read and referred to the Board of Treasury to report. Report was rendered March 27; the memorial is in No. 41, II, folio 224, and the collateral papers filed therewith are on folios 226-280.

Also a "Motion of delegates of Pensyl^a to have a sum of state money delivered to them" was referred to the Board of Treasury to report.

Committee Book No. 190.

proposals and Specimens, for Printing the Journals of Congress in Folio, report:

That they have examined the various proposals, and Specimens, sent into the Secretary of Congress, and by Him communicated to your Committee, All which they have arranged for the Inspection and final determination of Congress.

Your Committee submit to Congress the propriety of obliging the Printer that may be appointed, entering into Articles to print 500 Copies at His own Risk and Cost for Sale.

And also that the Journals of the first Congress, held in New York in the year 1764 be included in the present Edition. All w^{ch} is Submitted.¹

TUESDAY, JANUARY 31, 1786.

Congress assembled. Present as before.

On the report of a committee, consisting of Mr. [Nathaniel] Gorham, Mr. [Charles] Pettit and Mr. [John] Bayard, to whom was referred a petition of Hend: Wyckoff, praying that Sea letters be granted for a vessel, which he and other citizens of the state of New York, have fitted out for a distant voyage,

Resolved, That a sea letter be granted for the Brigantine *Betsy*, Neal McHenry, master, in the same form as the letter granted on the 2d instant for the ship *Canton*, *mutatis mutandis*.

On motion of Mr. [Charles] Pinckney, seconded by Mr. [William] Hindman,

Resolved, That a vice consul be appointed to reside at Canton; and in case of the death or absence of the consul appointed to that place, that he exercise all the powers and duties of consul, but without being entitled to any salary, fees or emoluments.

Congress proceeded to the election of a vice consul, and, the ballots being taken, Mr. Thomas Randal, of Pennsyl-

¹ This report, in the writing of John Bayard, is in the *Papers of the Continental Congress*, No. 23, folio 285. According to indorsement it was read this day. The various proposals with the specimens of printing are in No. 46.

vania, was elected, having been previously nominated by Mr. [Charles] Pinckney.

Ordered, That the secretary for foreign affairs prepare a commission for Mr. Randal; that the same, when prepared, be signed by the chairman; and that the seal of the United States be thereto affixed.

The Secretary of the United States for the department of foreign Affairs, to whom was referred a letter of 4 November last, from his excellency the governour of Massachusetts to the delegates of that Commonwealth in Congress, having reported,

That this letter states in substance, "That divers effects had by orders of the British Commanders in chief been taken from the inhabitants, not as the property of enemies but of persons under their protection, under the idea that the former ownership continued, and the greater part of which was expressly engaged to be restored by those Commanders; that the latter clause in a British Act of parliament passed in the twentieth year of George the third creates legal impediments to those Owners recovering in due course of law the value of their effects so taken. That considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the legislature is induced to believe that if Congress would instruct their Minister at the court of London to move this subject properly digested to that court, the government of that Nation would so far reconsider their former doings on it as to remove those impediments, or make some other provision whereby right and justice shall be done to the parties and individuals more immediately concerned."

If Congress make any application to the british court on this subject, it can only be either for *Justice* or for *favour*. The latter will doubtless be out of question.

If for *justice*, two questions arise. First, Whether their application can be supported on that ground; and Secondly, Whether it will probably be successful, if it can be so supported. The clause recites that "Whereas before the passing of this act divers persons, vessels, cargoes and other effects may have been seized, detained, damaged or destroyed, in pursuance of orders, regulations, restrictions and limitations, heretofore issued and established by the commanders in chief of his Majesty's forces in North America, or by persons acting under their authority, for the *public service*, and for suppressing the rebellion in North America," it then enacts "that all such acts, matters and things shall be deemed and are hereby declared to be legal to all intents and purposes whatever; and that all actions, &c. for or by reason of any act, matter or thing advised, commanded, appointed or done with respect to such orders and regulations by the said commanders in chief, or by any person acting under their authority, shall be discharged and made void."

May it not be questioned, whether this act can be construed to invalidate the engagements or promises of the Commanders to make restoration? Or, in other words, can effects taken under such engagements be considered as coming within the view and provision of the statute which, from the nature of it, must be construed strictly? If the court and their judges should adopt this idea, the matter will naturally remain as it now is, and the application would produce nothing except perhaps an Opinion that it was premature.

If, on the other hand, they should consider all these cases as within the Act, might they not answer, that all military violences and injuries on both sides were done away by the peace, and that as these cases were not

provided for in it, they must remain as they then were? May they not also answer, that we pass laws in some of the states impeding british creditors from recovering their debts as stipulated by the peace; and that in another, we pass laws authorizing actions at law for damages done during the war by military order, and that while such acts continue, such applications should be postponed?

Admit that justice demands of them to remove the impediments in question, is it probable that they would do it?

A judgment of the temper of the nation in general, and of their parliament in particular, may be formed from Mr. Adams' letters; and they, in the opinion of your secretary, represent it in a point of view so unfavourable as to promise no success to such an Application. Many of their officers might be deeply affected by the loss of that indemnity, which they now hold on the faith of government; and it is not likely that they will open their treasury and compensate the sufferers in question out of it, when so many refugees, for whom they are bound to provide, are daily importuning them for Money.

For these and a variety of reasons your Secretary thinks it is not probable that such an application would be successful; and he also thinks that Congress should never demand or ask for even justice, while they have great reason to apprehend a refusal, unless in cases where they may be able and determined to compel a compliance by force or retaliation.

If a period should arrive when both countries shall be disposed to do away whatever may be mutually offensive or disagreeable, it is not improbable that in the moment of that good humour they might do some-

thing for the sufferers under consideration; but that period has not yet arrived.

Upon the whole matter, your secretary is of the Opinion, that copies of these papers should be transmitted to Mr Adams; that he be instructed to sound the British minister on the subject, but not to bring any *formal* demand or representation thereon, unless from preceeding circumstances he shall be induced to think that it would have a favorable issue; it being the intention of Congress to refer the time and manner of doing it to his prudence and discretion.

Resolved, That Congress agree to the said report.

Ordered, That the delegates for Massachusetts be furnished with a copy of the above report and resolution.¹

The Committee consisting of Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [James] Monroe, Mr. [William Samuel] Johnson and Mr. [Rufus] King to whom were referred a report from the Board of Treasury on revising the system adopted for the settlement of the accounts of the five great Departments and containing such alterations therein as would in their opinion be more conducive to a speedy and just settlement of the said accounts, recommend it be

Resolved That the resolutions of Congress of the 27 February, 1782, so far as they relate to the appointment of commissioners for settling the accounts of the five great departments be repealed

That the respective commissioners deliver to the order of the board of Treasury the books and papers of their several offices and that they account respectively with the comptroller of the treasury for the amount of the certificate paper delivered to them.

That the board of treasury be and they are hereby impowered and directed to apply out of the monies heretofore granted to the said departments a sum not exceeding dollars per annum for the sole and express purpose of procuring a speedy settlement of the accounts of the said departments

¹ This proceeding is entered by Thomson in the Secret Journal, Foreign and Domestic, No. 4. A copy, attested by him, is in Secret Journal No. 6 and a copy is in No. 5. Jay's original report is in No. 81, 11, folio 15. See *ante*, January 5.

That the settlement of the accounts of the 5 departments be vested in one commissioner to be appointed by Congress and subject to the Superintendance and controul of the Board of Treasury.

That he exercise all such powers in the adjustment of the same as were assigned to the said commissioners by any former resolutions of Congress and that he be allowed dollars per annum during the time he shall be employed in the same.

That in organizing the said office, the Board of Treasury be and they are hereby authorized to engage such persons as they may judge best adapted to their respective stations reporting to Congress the names of those employed and their respective allowances.

That all persons employed in adjusting the said accounts take the oath of office previous to their entering on the execution of the trust reposed in them.¹

The Committee [consisting of Mr. Charles Pettit, Mr. John Kean, and Mr. John Bayard] to whom was referred a Letter from Mr. John Wingrove together with a Recommendatory Letter in favour of the said Mr. Wingrove from the Honble. John Adams, Report

That, however desirous your Committee may be to encourage the laudable Desire of Mr. Wingrove to serve the United States in India, they find themselves precluded from recommending a Compliance with his wishes at present by a general Resolution of Congress, "That it is inconsistent with the Interest of the United States to appoint any Person, *not a Citizen thereof*, to the Office of Minister, Chargé des Affaires, Consul, Vice-Consul, or to any other civil Department in a foreign Country."²

¹ This report, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 26, folio 477. According to indorsement it was read this day and "Thursday next assigned for Consideration." A printed copy of this report, with ms. alterations by Thomson showing the form in which it passed on March 24, is on folio 475.

On this day also, according to indorsement, the petition of Reverend Henry Möller, Lutheran minister, for depreciated pay as a chaplain in the Continental Army, was referred to Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [Stephen Mix] Mitchell. The petition, dated January 15, 1786, is in No. 42, V, folio 331. Thomson has indorsed it "returned by Mr. King 9 Oct. 1787."

² This report, in the writing of Charles Pettit, is in the *Papers of the Continental Congress*, No. 19, VI, folio 577. According to indorsement it was read this day and on February 1 referred to the Secretary of Congress to take order. The Secretary acted thereon on February 2. The proceeding is entered in Resolve Book No. 123 by Benjamin Bankson.

WEDNESDAY, FEBRUARY 1, 1786

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, and South Carolina; and from the State of Maryland, Mr. [William] Hindman, and from Georgia, Mr. [William] Houstoun.

Mr. Henry Lee, a delegate from Virginia, attended, and produced his Credentials, by which it appears, that on the 15 of November, 1785, he was, by joint ballot of both houses, elected a delegate to serve in Congress from the time of his appointment, until the first Monday in November, 1786.

VIRGINIA, *Scilicet*:

The General Assembly of this Commonwealth on the fifteenth Day of this present Month, by joint ballot of both Houses, elected Henry Lee jun. esquire a Delegate to serve in Congress from the time of his Appointment, until the first Monday of November one thousand seven hundred and eighty six.

SEAL
ATTACHED

Given under my hand and the Seal of the Commonwealth this 17th Day of November, 1785.

P. HENRY.¹

On a report of the board of treasury, to whom was referred a motion of Mr. [Elbridge] Gerry.

Resolved, That all holders of loan Office certificates, issued since the first of March, 1778, be, and they are hereby authorised to present the same to the loan Officer of the State in which such certificates issued, in Order that the specie value thereof may be liquidated; and that on the former certificates being given up, specie certificates to the same value shall be issued, agreeably to such form, and in such sums as the board of treasury may direct, provided that no certificate issue for a less sum than One hundred

¹ The original is in the *Papers of the Continental Congress, Virginia, Credentials of Delegates*. It is indorsed by Thomson as read February 1 and is entered also in the *Record of Credentials* but not in the *Journals*.

dollars; and that the paper, checks and devices of the new certificates resemble as nearly as may be the old certificates, which shall be transmitted as vouchers of Reissue to the comptroller's Office.

On the question to agree to this the yeas and nays being required by Mr. [John] Kean

<i>New Hampshire</i>			<i>Pennsylvania</i>		
Mr. Long	ay	} div.	Mr. Pettit	ay	} ay
Livermore	no		Bayard	ay	
<i>Massachusetts</i>			<i>Maryland</i>		
Mr. Gorham	ay	} ay	Mr. Hindman	ay	} x
King	ay		<i>Virginia</i>		
Dane	ay		Mr. Monroe	ay	
<i>Connecticut</i>			Lee	ay	} ay
Mr. Johnson	ay	} ay	<i>South Carolina</i>		
Mitchel	ay		Mr. Pinckney	ay	
<i>New York</i>			Ramsay	ay	} ay
Mr. Lawrence	ay		Kean	ay	
Smith	ay	} ay			
Yates	ay				
<i>New Jersey</i>					
Cadwallader	ay	} ay			
Symmes	ay				
Hornblower	ay				

So it was resolved in the affirmative.¹

On a report of the board of treasury, to whom was referred a petition of Edward Keran, claiming depreciation on monies received by him in the Ordnance department,

Resolved, That the claim of Edward Keran, for depreciation of pay during his service in the Ordnance department, is inadmissible.

On a report of the board of treasury, to whom was referred a memorial of William Hoskins,

¹ The vote was entered by Thomson on the report of the Board of Treasury, Nov. 18, 1785, read November 30, on the Gerry motion. After duly entering the vote on the *Journal*, Thomson crossed it off.

Resolved, That the memorial of William Hoskins, late an Assistant in the commissary general's department, praying that the former adjustment of his account by the commissioner duly authorised for such purpose, may be revised and that a further compensation be made him, cannot be complied with.¹

On the motion of Mr. Mitchel, seconded by Mr. Nathaniel Gorham,

Resolved, That the injunction of Secrecy upon Mr. Adams' letters, so far as relates to the appointment of Commissioners to treat with the Barbary powers, be taken off.

OFFICE FOR FOREIGN AFFAIRS,
31st. January, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of 28th December, 1785, enclosing M^r. Adams of 15th, 17th, 21st, 25th and 27th October last, Reports:

That in his Opinion it should be—

Resolved, That Congress approve of the Manner in which M^r. Adams appears from his several Letters to have executed the Duties of his Legation to the Court of Great Britain, and that they are greatly pleased with the Diligence, Attention and Intelligence he has Manifested therein.

Resolved, That Ways and Means should be seasonably devised for placing such further Funds in Europe as will probably be necessary as well for the Support of the public Servants there, as for supplying any Deficiency in the Sum appropriated for the Negotiations with the Barbary Powers.

Ordered, that this Resolution be referred to the Treasury to report.

From the Tenor and Completion of all M^r. Adams Letters it appears evident to your Secretary.

¹ The Board of Treasury's report was read in Congress, Nov. 30, 1785.

² This proceeding is entered by Thomson in Secret Journal, Foreign and Domestic, No. 4; an attested copy is in Secret Journal No. 6 and a copy is in No. 5.

On this day, according to indorsement, the report of a committee on the letter of October 23, 1783, from the Superintendent of Finance, was postponed. This report was read in Congress November 3, 1783, *q. v.*

1. That general and full Powers to regulate the Trade of the United States both foreign and domestic should be vested in Congress.

2. That the United States should be put in a very respectable Posture of Defence, by forming ample Magazines of military Stores, and by having a considerable part of the Militia always well prepared to take the Field.

3. That proper Measures should be devised to cause a punctual Compliance with any payment of the Requisitions of Congress, and to prevent unconstitutional Dismemberments of any of the States which manifestly tending to weaken the Force and impair the Union by creating domestic Contention and affording Objects of foreign manœuvres are highly impolitic.

4. That M^r: Jefferson should be directed to communicate to the Court of France the exact State of the United States with Great Britain relative to the Posts, to urge the Guarantee of France as a Reason for their friendly Interference, and to ascertain how far the United States may expect his Most Christian Majesty's good Offices and Aid on that Subject.

5. That pursuant to the 8th Article in the Treaty with France it would be proper to request his most Christian Majesty's good Offices with the Barbary Powers to promote the present Negotiations, with them.

Your Secretary is also induced to believe as well from Conversations with M^r: Gardoqui as from M^r: Carmichaels Letter, that Spain would if applied to very sincerely endeavour to exert her Influence with the Emperor of Morocco in favor of the United States, Wherefore he thinks that application should be made to his Catholic Majesty for that Purpose.

Your Secretary sees many good Consequences that might result from communicating M^r: Adams Letters to the Executives of the different States, and accompanying them with a Letter from Congress urging the Necessity of ordering all the general Concerns of the Union by a Stable, well digested System, and to that End of delegating such Powers as may be adequate to the great Objects of duly regulating the Commerce protecting the Union, and of drawing forth and directing its Resources both of Wealth and Power, as Exigences may require. Your Secretary nevertheless has great Doubts of the Prudence of communicating M^r: Adams Letters, lest Copies of them

Feby. 1, 1786: Referred back to the Secretary for foreign affairs, to draft and report Instructions conformable thereto.

should return to England and place him there in a Situation neither agreeable to himself nor advantageous to the Public.

Your Secretary has Reason to believe that too much of their Contents has already slipped out, He having been lately told by a Person who ought not to have had such Information, that M^r. Adams had written that the Situation of the british Debts was made an Objection to the Evacuation of our Posts. He is however of Opinion that a Letter from Congress cautiously stating the general State of our Affairs and strongly impressing the Necessity of Efficiency and Vigour in the federal Government would be very expedient.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

THURSDAY, FEBRUARY 2, 1786

Congress assembled. Present as yesterday.

On a report of the Secretary at War, to whom was referred a memorial of William Finnie,

Resolved, That the petition of William Finnie, esquire, late a deputy quartermaster general in the southern department, for the emoluments of a colonel, being contrary to the regu-

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 27. According to indorsement it was read this day and referred as noted. Adams's letters are in No. 84, V, folios 661, 665, 673, 689, and 709.

FEBRUARY 1: The following committee was appointed: Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [Charles] Pettit, "To make such extracts from Mr. Adams letters of 15, 17, 21, 25, & 27 Octr, 1785, respecting the regulation of Commerce, as they may deem necessary to communicate to the executives of the several states & to prepare a draft of a circular letter to the legislatures on the subject." Report was rendered February 13.

Also the Secretary for Foreign Affairs was instructed "to draft and report Instructions conformable to the 4 and 5 Articles of his report of the 31st Jan^y 1786—Instructions to Ministers at Versailles and London." Report was rendered March 22.

Also the Secretary of Congress was directed to take order on the report on John Wingrove's letter. See *ante*, January 31.

Also John Neuville was nominated by Mr. [John] Kean and [Henry] Remsen by Mr. [John Cleves] Symmes, as Commissioner, under resolve of June 20, 1785, to examine into and report on the administration of the late Superintendent of Finance.

Committee Book No. 190.

lations established respecting the subordinate Officers in the quartermaster general's department, cannot be granted.

On the report of the Secretary at War, to whom was referred a memorial of Capt. Jonathan Lawrance, jun^r

Resolved, That captain Jonathan Lawrance, jun^r having resigned his commission in the service of the United States before the conclusion of the late war, he cannot be allowed those emoluments promised to the officers who should continue in service to the end of the war

On a report of the secretary at war,

Resolved, That the petitions of Hubert Dubois, Martin Lintz and John Brüger, be dismissed, they having no just claims upon the United States.

On a report of the board of treasury, to whom was referred a letter of Michael Hillegas, treasurer of the United States, dated 12 August, 1785,

Resolved, That the resolution of Congress of the 18 September, 1782, relative to the mode of destroying the old continental currency in the treasuries of the respective states, be, and it is hereby repealed.

On a report of the board of treasury, to whom was referred the report of William Barber, commissioner of Accounts for the state of New York, on the claim of Francis Cazeau, of the province of Canada,

Resolved, That the several resolves of the 18th of March, 1784, relative to the claims of Francis Cazeau, (excepting the first, third and fourth) and the resolve of the 7th of June, 1785, authorising the commissioner of public Accounts in the state of New York, to examine and report upon Canadian claims, be, and they are hereby repealed.¹

¹ See *ante*, Aug. 31, 1785.

Also on this day, according to Committee Book No. 190, a memorial of Grace Mercer "stating a claim of her late husband" was referred to the Board of Treasury to report.

OFFICE FOR FOREIGN AFFAIRS,
2^d Feb^r 1786.

The Secretary of the United States to whom was referred the Draft of a Treaty of Amity and Commerce between his Britannic Majesty and the said States, which was transmitted by M^r Adams, together with his Letters that accompanied it, Reports:

That in his opinion the United States may safely enter into Treaty with Britain on the Terms and agreeable to the tenor of the said Draft, and therefore that it should be—

Resolved, That Congress approve of the said Draft and that in the Blank left for the Term of the Duration of the Treaty be inserted twenty years.

Your Secretary thinks it would be expedient to refer the Letters above mentioned to the same Committee to whom other Letters from M^r Adams were yesterday Committed.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

FRIDAY, FEBRUARY 3, 1786

Congress assembled. Present as before.

On a report of the commissioner for settling the Army Accounts, to whom was referred a petition of John Buchanan, late of the quartermaster's department, and employed in military service by the commander in chief, with the pay and subsistence of a captain,²

Resolved, That John Buchanan, late of the quartermaster's department, and who is disabled by a wound he received in a gallant action, wherein he, with 18 boatmen, killed and took prisoners a party of 25 british New levies, be comprehended within the benefits of the Ordinance of Congress of June 7, 1785, providing for those that have been disabled

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 31.

² "So much of the memorial of John Buchanan as relates to an allowance for depreciation on his pay" was this day referred to Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [Stephen Mix] Mitchell. This committee was discharged July 31. *Committee Book No. 190*. Buchanan's memorial was read in Congress Jan. 25, 1783.

in the service, in the same manner as if he had been a captain in the Army.

On a report of the paymaster general, to whom was referred a petition of Piere Regnier de Rousi, late a lieutenant colonel in the fourth and second New York regiments, praying an allowance for the depreciation of his pay,

Resolved, That Mr. Regnier de Rousi, having resigned his commission prior to any promise of depreciation, cannot, agreeably to the principles adopted by Congress in such cases, be entitled to this allowance.¹

On a report of the Commissioner for army accounts, to whom was referred a petition of James Gilliland, late a captain in the corps of Sappers and Miners,

Resolved, That as it appears that James Gilliland, late a captain in the corps of Sappers and Miners, resigned his commission before the conclusion of the war, he cannot be entitled to the benefit of the grants of Land and half pay to the Officers of the Army.

The commissioner for settling the Accounts of the Army, to whom was referred a petition of Bryan Bruin; reports, That the resolution of Congress of the 21 February, 1783, "recommending to the several States, to whom the Officers taken from the line to act in the general staff departments belong, to adjust and discharge, on Account of the United States, the depreciation on their extra pay, in the same manner, and to the same time, they settle their accounts as officers in the line," is a sufficient authority to the state of Virginia, for granting the depreciation on the extra pay of the staff Officers taken from the line of that state, and therefore no particular resolution is necessary in the case of Bryan Bruin,

¹ See *ante*, August 5, 1785.

Resolved, That Congress agree to this report.

The committee, consisting of Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Nathaniel] Gorham, Mr. [John Cleves] Symmes and Mr. [Samuel] Livermore, appointed to consider whether any, and what measures may be necessary for Congress to adopt, in pursuance of their recommendations to the several states, on the 18 of April, 1783, having reported as follows:

The committee have thought it their duty, upon the subject above referred to them, to present to the view of Congress, a statement of the amount, and the purposes for which Money is required, with the funds the United States are possessed of, for complying with the same, this ¹ will enable them to judge of the nature and urgency of those demands, of the efficiency of such funds, or of the further measures it may be necessary to take respecting them.

By the estimate for the late requisition, it appears that

For the service of the United States for one year, there will be	dolls.
wanting.....	404, 555. 32
For one year's interest upon the foreign debt.....	440, 252. 58
For one year's interest upon the domestic debt.....	1, 663, 519. 16
	2, 508, 327. 6

It appears further to the Committee, that there will be due in the course of the next year, a part of the principal of two of the foreign loans, and afterwards a part of the other loans, agreeably to the stipulations of the several contracts, to be paid annually by instalment, until the whole is extinguished, which will, until that event, proportionally increase the sums called for. That the whole of the domestic debt is not yet liquidated, and that there still remains extensive claims of states and individuals within the same against the United States to be adjusted and settled, which will probably increase the amount beyond what it hath heretofore been estimated at. Nor is there any reason to suppose, from the lights in their possession, that the expences of the government of the United States will be diminished. Some offices have already been abolished, and the Salaries of those absolutely necessary, reduced to as low a scale as can

¹ At this point the copying is begun by John Thaxter.

be done, to leave any encouragement to men of talents and Character to remain in their service; others, it is true, instituted for the settlement of accounts, will terminate so soon as that desirable end is effected, but this will create but an inconsiderable saving. The Indian department when organized, may also be less expensive than it hath been since the peace, but there must be some appropriation to it. What sum the military department may require, is altogether uncertain, and depends upon many circumstances. Since the peace, it has been thought proper to keep in service about seven hundred men. Upon that compliment the estimate for the requisition was formed; but it is to be recollected that the Indians were at that time suing for peace; that the powers on the coast of Barbary were friendly disposed; and that we had nothing to apprehend from any quarter whatever; and although the necessary measures having been taken to cultivate this good disposition, and to avail ourselves of the favourable juncture; and the Committee have a high confidence in the success of these negotiations, yet they consider it is expedient to be prepared for a contrary event. As, therefore, under this impression, it may be found prudent to establish Magazines in different quarters of the Union, and to keep up at least the aforesaid compliment of men, they apprehend the expences in this department will be increased. As, therefore, the sums necessary for payment of the interest, and a part of the principal of the foreign loans, will be increased, those for the payment of the interest on the domestic debt, probably may, and there can be little or no reduction in the expences of the government of the United States, it follows that the demands upon the States, or supplies for federal purposes, must for some time be greater than they have heretofore been.

It remains now to be enquired, how these demands shall be complied with. The federal constitution authorises the United States to obtain money by three means; 1st by requisition; 2^d, by loan; and 3^d, by emitting bills of credit. 1st Of the success of that by requisition, we shall be enabled to form a judgment by a statement of those which have been made, and the compliances of the several Statements¹ under them.

October 30, 1781, A requisition was made for	Dolls. 8,000,000		April 18 th , 1784, for	2,670,987
October, 1782, for	2,000,000		September 1785, for	3,000,000

¹ "Stats" in the manuscript; see the next footnote.

Up to the first day of February, 1786, the payments have been as follows:

FACILITIES		FACILITIES	
New Hampshire.....	7, 679. 8	Delaware.....	8, 368. 7 -- 11, 820. 82
Massachusetts 28, 864. 12...	342, 677. 83	Maryland.....	167, 286. 26
Rhode Island.....	75, 609. 43	Virginia.....	29, 910 -- 533, 096. 38
Connecticut.....	140, 772. 15	North Carolina.....	
New York.....	163, 810. 51	South Carolina.....	374, 339. 53
New Jersey.....	135, 738. 52	Georgia.....	
Pennsylvania	496, 173. 11		

It is to be observed, that the two former requisitions were made during the existence and for support of the war; and therefore were not, after its termination, pressed in full on the States; the two latter, however, being a pressure of the former, in the degree, were made upon the estimate of the expences of the government and of the public debt, which must remain the same, or nearly so, subject only to the above incidental alterations, until the debt is paid. So disproportionate, then, have the payments been, and inadequate to the above purposes, that even the interest upon the foreign loans, which had become due, would not have been paid, had it not been that a part of the said loans were as yet unappropriated; this money was therefore applied to this purpose; but this resource is now exhausted.

2d. Shall we then make further loans? In objection to this, it will obviously occur, that unless we can pay the interest due upon the money we have already borrowed, we shall not be able to borrow more, or upon such disadvantageous terms as to make it highly inexpedient: Add to this, that having in a great measure recovered from the Calamities of the late war, being in possession of a free and extensive commerce, at peace with all Nations, and the economy of our own government, thus circumstanced, only to attend to, it would add but little to its credit to admit that it could not discharge those engagements without the aid of other nations.

In objection to the 3^d plan, or emission of paper bills of credit, it may only be observed, that such bills would not even serve to pay off the domestic debt, since bearing no interest, they would in effect put the Creditors in a worse condition than they are now in; much less would they avail to support the current expences of the government of the United States, or discharge the interest due on the foreign debt. The United States, are, however, in possession of another fund, arising from the cession of vacant and unappropriated lands by indi-

vidual States; but this, it is apprehended, as public securities are received in payment, will bring but little specie into the treasury. Being depreciated considerably below, and received at par with specie, it is to be presumed, the purchasers, whether Citizens or foreigners, not possessed of, will procure these securities for the purpose. These lands, therefore, may be calculated on, and in the degree, as a fund only for the discharge of the domestic debt; and as they are not to be disposed of, until surveyed, and some time must elapse before this can be effected, it is obvious that no immediate aid, even for this purpose, can be derived from that source.

[From a full view therefore of the purposes for which Money is necessary, or of the publick engagements of the United States, and the means in their hands for complying with the same, it appears that the said means are altogether inadequate; it follows of course that unless some other more efficient and productive fund can be found we must experience the highest national difficulties].

Since, therefore, experience hath evinced, that requisitions have failed to obtain from the States, money sufficient for the support of their own government only, that it would be impolitic, if not impossible, to borrow more; that the emission of paper bills of credit would be altogether ineffectual, and of course inadmissible; and that the vacant and unappropriated lands, ceded by individual States, can be calculated on only as a fund for the discharge, and in the degree, of the interest and principal of the domestic debt, it necessarily follows, that, unless some other more efficient and productive fund can be found out, we shall suffer the highest National difficulties. Although we have already experienced, and may calculate much, on the generosity of our ally; although our domestic creditors, and especially those of the Army, have evinced a patience and magnanimity under their sufferings, which does them the highest credit; yet it is neither consistent with the honour nor the interest of the United States, that justice should be longer delayed, especially while a single effort in their power remains unattempted. After the maturest deliberation, the Committee have been able to devise no other than that recommended on the 18th of April, 1783; To this, therefore, they are of opinion, the United States should turn their attention, as the means of relieving them from their present embarrassments. The system, as therein recommended, consists of two parts; the FIRST, an investment of the United States in Congress, with power to levy for the use of the United States, certain duties upon goods imported into the said states

from any foreign port, island or plantation: The SECOND, such other substantial and effectual revenues as they may judge most convenient for supplying their respective proportions of one million five hundred thousand dollars Annually, exclusive of the aforementioned duties, as therein more fully delineated.

In examining the conduct of the several States under this recommendation, they find that, except New York and Georgia, they have all complied, in some degree, with the first part, and that only have with the latter. That the relief, therefore, may be as expeditious as possible, and particularly that the United States may be enabled to comply with their foreign engagements, while the aforesaid recommendations shall remain in full force as to the whole, in confidence they will ultimately be complied with, the Committee beg leave to report the following resolution:

Resolved, That it be earnestly recommended to the states of New York and Georgia, to take into their immediate consideration, the said recommendation of the 18th of April, 1783, more especially that part which proposes an investment of the United States, with power to levy, for the use of the said States, certain duties upon goods imported into the said States from any foreign port, island or plantation, and to comply with the same.¹

A motion was made by Mr. [William] Houstoun, seconded by Mr. [Melancton] Smith, to postpone the consideration of

¹ This report, in the writing of a clerk, with corrections and changes by Monroe, is in the *Papers of the Continental Congress*, No. 24, folio 115. It varies in sundry unimportant verbal details from the copy in the Journal. The amounts needed for the yearly expense have been filled in by a different clerk; the amounts paid by the various States are blank in the report and the portion in brackets above was entirely omitted, though partially incorporated, as may be noted, in the report spread on the Journal. A broadside issue of the report, following the ms. changes but omitting the payments by States, is on folio 111. On it Thomson has noted these State payments, crossed over the amounts of the requisitions for 1781, 1782, 1784, and 1785, and written instead: "For the services of the Union during the war and discharging the interest on the foreign and domestic debt from the 31 Decr. 1781 to 31 Decr. 1785 Congress have called upon the States for 7 mill. dollars." He has also indorsed the broadside: "Feb. 9 Referred to Mr. King, Mr. Pinekney, Mr. Kean, Mr. Monroe, Mr. Pettit." See *ante*, January 27. The ms. report appears to have been rendered to Congress February 2, ordered printed and this printed copy considered, as above, on February 3.

the above report until the first day of March next; and on the question for postponing, the yeas and nays being required by Mr. [William] Houstoun,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	no	}no	Mr. Pettit,	no	}no
Livermore,	no		Bayard.	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gorham,	no	}no	Mr. Hindman,	no	}*
King,	no		<i>Virginia,</i>		
Dane,	no		Mr. Monroe,	no	
<i>Connecticut,</i>			Lee,	no	}no
Mr. Johnson,	no	}no	<i>South Carolina,</i>		
Mitchell,	no		Mr. Pinckney,	no	
<i>New York,</i>			Ramsay	no	}no
Mr. Lawrance,	no	}div.	Kean,	no	
Smith,	ay		<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Houstoun,	ay	}*
Mr. Cadwallader,	no	}no			
Symmes,	no				
Hornblower,	no				

So it passed in the negative.

MONDAY, FEBRUARY 6, 1786 ¹

Congress assembled. Present as before.

TUESDAY, FEBRUARY 7, 1786.

Congress assembled. Present as before.

The report of the committee, appointed to consider whether any and what measures may be necessary for Congress to adopt, in pursuance of their recommendations to the several states on the 18 April, 1783, being postponed;

And a motion of Mr. [Charles] Pinckney, seconded by Mr. [John Cleves] Symmes, being before Congress, in the words following:

¹ At this point Thomson resumes the entries in the Journal.

On this day, according to indorsement, was read a plan of Count de Beaufort, of Liége, offering to colonize a tract of land in the United States. The plan, dated October 15, 1785, with accompanying papers and translations of same, is in the *Papers of the Continental Congress*, No. 78, VIII, folio 151-171. See *post*, February 9.

Whereas, exclusive of the maintenance of the civil list, and the other services of the federal government, it appears, from the documents before Congress, at their late requisition of September, 1785, that the payment of the annual interest of the foreign and domestic debt, will require the sum of dollars: And whereas it appears, from the requisitions of Congress, since December, 1781, that although the states have been called upon to furnish upwards of seven millions of dollars for these purposes, that not above have been paid into the federal treasury, from which failure in the states, the most serious consequences must ensue in lessening the credit, and injuring the national reputation of the Union.

To prevent the evils arising solely from the want of sufficient and permanent funds to defray the expenses of government, and to do justice to its creditors, and to press the indispensable necessity of providing such firm and efficient funds as will enable the United States fully and effectually to comply with all their public engagements, they conceive it their duty again earnestly to call upon the states of New York and Georgia, to take into their immediate consideration the recommendation of the 18 of April, 1783, more especially that part which proposes an investment of the United States, with power to levy, for the use of the said states, certain duties upon goods imported into the said states from any foreign port, island or plantation, and to comply with the same.

In once more bringing this recommendation to their view, it may be necessary to state that there will be due, in the course of the next year, a part of the principal of two of the foreign loans, and afterwards a part of the other loans, agreeable to the stipulations of the same, to be paid annually by instalments, until the whole is extinguished, which must, until that event, proportionally increase the sums called for: That the whole of the domestic debt is not yet liquidated; and that its amount will probably be enlarged beyond its former estimate: That the civil and military government of the United States is reduced as low as its situation will admit: That the treaties necessary for the protection of our commerce from the piratical states of Barbary, the safety of our frontier inhabitants from the savages, and the establishment of magazines in different parts of the Union, may perhaps increase the estimate of the military department; and that the supplies for federal purposes must for some time be greater than they have hitherto been. That the means afforded by the confederation for obtaining money, have been found ineffectual, the experience of the four last years sufficiently proves;

in which not more than one third of the sum called for has been paid into the common treasury, nor is a more punctual compliance to be expected from the states, until some practicable federal rule is established for ascertaining the quota of each, and the commerce of the Union relieved from its present oppression and embarrassment.

That, to borrow more money would be impolitic, as well as dishonorable, until we were in a capacity to pay the interest due on what had been already loaned us under circumstances the most generous and disinterested. That to emit bills of credit, and procure them a circulation, without establishing permanent and substantial funds for their redemption, is not even to be hoped, when we recollect how much our citizens have suffered from their confidence in the former emissions: That the vacant territory of the United States, obtained by cessions from individual states, has been ordered to be surveyed, and will be disposed of for public securities; that this, however, will produce little, if any, specie, and can only be received as far as it will go, as a fund for extinguishing the domestic debt; but, that as a considerable time must intervene before it can be surveyed and disposed of, no immediate aid is to be drawn from this source: And that, since, therefore, a sufficient sum for the exigencies of government, and the payment of the interest due on the public debt, is not to be expected from any of the means authorised by the Confederation, either of requisition, loan or emission, it follows, that unless some more efficient and productive fund can be discovered, we shall soon be exposed to the greatest national difficulties and disgrace.

While, however, it is in the power of the states to prevent these inconveniencies, and to do justice to their creditors, it is the duty of Congress to urge them to it. They now again present to the view of the states of New York and Georgia, the system which has been so long under reference to their legislatures, as the only one calculated to assert the credit and relieve the distresses of the Union.

In examining the conduct of the several states, they find that all, except New York and Georgia, have, in some degree, complied with the first part of the recommendation, for investing the United States with the power of levying certain duties for their use, on goods imported into the said states from any foreign port, island or plantation. The assent of so large a majority of the states, including some of the most important in commercial and other resources, shews that they were impressed with the necessity and propriety of its motives. They have considered the extension of their commerce, and the

security of their liberties, as owing to the joint efforts of the whole. Convinced of the importance of the federal government, and that on its existence their political welfare and consequence must depend, they have liberally dedicated to its support a part of the advantages derived from its establishment; nor have they considered this as more than justice to the citizens of those states whose situation renders them dependent upon their imports for supplies. They have, therefore, wisely determined to make the welfare of the Union their first object, reflecting, that in all federal regulations, something must be yielded to aid the whole, and that those who may expect support, must, in their turn, be ready to afford it. How far their example may induce the legislatures of New York and Georgia to adopt the same liberal conduct, is now left to themselves to decide. Congress, however, still hope that these states will not be less mindful of the public welfare, nor less disposed to give vigor and efficacy to a government upon which all must, eventually, depend for the protection and security of the invaluable blessings they enjoy.¹

A motion was made by Mr. [Charles] Pettit, seconded by Mr. [Charles] Pinckney, to fill the first blank with the words and figures 'upwards of 2,400,000;' And on the question to agree to this, the yeas and nays being required by Mr. [Melancton] Smith,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Long,	ay	} div.	Mr. Pettit,	ay
Livermore,	no		Bayard,	ay
<i>Massachusetts,</i>			<i>Maryland,</i>	
Mr. Gorham,	ay	} div.	Mr. Hindman,	ay
Dane,	no		<i>Virginia,</i>	
<i>Connecticut,</i>			Mr. Monroe,	no
Mr. Johnson,	ay	} div.	Lee,	no
Mitchell,	no		<i>South Carolina,</i>	
<i>New York,</i>			Mr. Pinckney,	ay
Mr. Lawrance,	no	} no	Ramsay,	ay
Smith,	no		Kean,	ay
<i>New Jersey,</i>				
Mr. Symmes,	ay	} ay		
Hornblower,	ay			

¹ This motion, in the writing of a clerk, with corrections by Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 205.

So the question was lost.

On motion, the blank was filled with 2,103,772; and the motion was amended, by inserting, after the words, "domestic debt," the following words, "as far as the latter was then liquidated."

OFFICE OF SECRETARY OF CONGRESS,
Feb^y 7, 1786.

On the letter of 15 Oct., 1785, from count de Beaufort, an inhabitant of Liége in the Austrian Netherlands, proposing on condition that a tract of land from 5 to 10 leagues square is granted to him, to people the same and to establish therein a number of new arts and manufactures.

Passed 9th The Secretary of Congress reports That the same be referred to the consideration of a com^o

Reports of Secretary of Congress No. 180.

On Report of a committee consisting of Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [John] Lawrence, Mr. [Rufus] King and Mr. [Pierse] Long to whom were referred two memorials from John Sullivan, Esq., late a Major General in the armies of the United States, recommend it be

Resolved, That in consideration of the particular circumstances of Mr. Sullivan's case and the eminent services he has rendered the United States he be allowed depreciation, and that it be recommended to the state of New Hampshire to settle with him in the same manner as if he had not resigned before the 10th April, 1780.¹

¹ This report, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 19, V, folio 455. According to Thomson's indorsement it was read February 7 and on July 19, 1786, "debated and lost." Roger Alden has indorsed it "passed as on motion for 4000 dol^s to be paid Genl. Sullivan Aug. 31st 1786."

FEBRUARY 7: The memorial of Captain Gustavus Conyngham "for settlement of his account and payment of the balance" was referred to the Board of Treasury to report.

Committee Book No. 190.

Also the following resolve is entered on the same folio that contains the committee report on General Sullivan's memorial: "*Resolved*, all officers of the Army late in the service of the U. S. who resigned before the 10th of April, 1780, to be entitled to compensation for depreciation as if they had not resigned before the 10th of April, 1780, and that it be recommended to the several States to which said Officers belong to set^l with said Officers accordingly." Also on folio 459,

WEDNESDAY, FEBRUARY 8, 1786

Congress assembled. Present as before.

Congress resumed the consideration of the motion of Mr. [Charles] Pinckney, which was under debate yesterday; during the debate, a report was made by the board of treasury, which being read:

The Board of Treasury to whom was referred the Memorial of Monsieur Otto Chargé des Affaires of His Most Christian Majesty have maturely considered that part of the Memorial which relates to the Loans made by France and beg leave to Report—

That the Terms mentioned by the Chargé des Affaires of His Most Christian Majesty for the payment of the Instalments of the Principal due on the Contract for Eighteen Million Livres are in conformity with the said Contract; but that the Interest due thereon (though accruing from the Date of the Peace) is not payable 'till the first Installment becomes due, that is to say on the 3^d day of September, 1787.

That Monsieur Otto's statement of the periods assigned for the payment of the Principal and Interest of the Ten Million of Livres borrowed of Holland and guaranteed by France; and of the further Sum of Six Million of Livres borrowed of France is conformably to the Contracts of the 16th July, 1782, and 25th February, 1783.

That from the Tenor of these Contracts it appears that the United States are bound to pay the Court of France in the present Year the Interest due on the Ten Million of Livres borrowed of Holland, and Guaranteed by France, being four hundred thousand Livres; together with three Years Arrearage of Interest due on the first day of January, 1787, on the Six Million Loan, amounting together with the Sum first mentioned, to One Million, three hundred thousand Livres, instead of Two Million four hundred thousand Livres as stated by the said Chargé des Affaires—

The Board beg leave to observe that although the amount of Interest actually payable on the French Loans, to the date above

No. 19, V, is: "*Resolved*, That it be recommended to the several States to make good to all the Officers and Soldiers of the Army, who left the service antecedent to the 10th day of April, 1780, their depreciation of pay respectively."

These resolves are undated but appear to belong to the period of the consideration of General Sullivan's memorial.

mentioned, does not exceed the Sum of One Million three hundred thousand Livres, the Interest which will accrue to the 1st January, 1787, inclusive, amounts to Four Million of Livres, that is to say

On the Ten Million Loan 1 Years Interest.....	Liv ^s ..	400,000
On the Six Million Loan 3 Years Interest.....	“ ..	900,000
On the Eighteen Million Loan 3 Years Interest.....	“ ..	2,700,000

making in the whole, the Sum of Four Million of Livres, which is equal to Seven hundred and forty thousand seven hundred and forty Dollars.

That it has been evidently the wish of Congress to prevent this vast accumulation of Foreign Interest appears from their Requisitions for the Years 1784 and 1785, in which they call upon the several States, for the full Sum of Specie necessary to defray the Charges of the Federal Government and of Foreign Interest. With what Success these Requisitions have been attended, will best appear by comparing the Sums of Specie received (as Extracted from the Books of the Treasury) with the Amount of the Specie called for on the Requisitions above mentioned.

The Receipts of the late Superintendant of Finance on account of Taxes collected in pursuance of those Requisitions,

Amount to.....	Dollars..	2,008,674.45
Remained in the hands of the Receivers.....		16,414.79

Total..... 2,025,089.34

This was received in the course of two Years and nine months.

From the 1st November, 1784, to the 1st November, 1785, has been collected and received the Sum of..... 358,622.81

From the 1st of November, 1785, to 1st January, 1786, has been received..... 74,275

432,897.81

2,457,987.25

Amount of the Sums called for in actual Specie by the Requisitions of 27th April, 1784, and 27th September, 1785..... 4,332,276

Deficiency in the Receipts,..... Dol^s.. 1,874,288.65

From this Statement it appears, that the Sum of Two Million, four hundred and fifty seven thousand, nine hundred and eighty seven Dollars has been Collecting in the space of four Years; which make the Average Collection amount to 614,497 Dollars. It is to be observed however, that the Receipts of the last fourteen Months amounts only to 432,897 Dollars, which is at the rate of 371,052 per

Year. A Sum short of what is essentially necessary for the support of the Federal Government on the most contracted Establishment and in time of profound Peace; without leaving a particle for the payment of Foreign Interest, or for providing against those Contingencies which the interrupted state of our Commerce and the situation of the Frontier Posts render essentially necessary to the Security, Interest and Honor of the Nation.

In this critical situation of Public Affairs, it becomes the immediate and indispensable duty of this Board to inform Congress, that there is not the least probability of an increase in the public Revenue during the present Year, unless a speedy and operative System of Revenue is adopted for bringing into the common Treasury those Sums in actual Specie, which uniform experience has demonstrated cannot be derived from the ordinary mode of Requisition.

The Sum necessary for the discharge of the Interest on the Loans of the French Government to the 1 st January, 1787, inclusive is.....	Dolls..	240, 740. 60
On Individual Loans in France from the Year 1777 to 1786 inclusive—10 Years Interest.....		78, 400
On certificates to Foreign Officers made payable in France to 1 st January, 1787.....		22, 370
On the Spanish Loans to 21 st March, 1787.....		48, 596. 55
On the Dutch Loans to the 1 st June, 1787.....		265, 600
To defray the Salaries of Foreign Ministers and Agents for the Year 1786.....		29, 300

Making in the whole.....Dols.. 685, 007. 25

Though some of the objects of Disbursements above mentioned are in the year 1787, the periods at which they become due will shew the absolute necessity there is of making an immediate provision for them.

The Board beg leave to observe that if the Collection of the General Import agreeably to the Resolves of Congress of the 18th April, 1783, was now in full force, it would not in their Opinion produce sufficient Funds for discharging these Arrearages of Interest and the other Sums above mentioned at the proper periods, much less provide for the Installments of Principal on the Loan of Eighteen Millions, and of Ten Million of Livres; the first of which commences on the 3^d September and the second on the 5th November, 1787, In which Year the United States are bound to pay in Interest and Principal of Public Loans, the sum of One Million three hundred and ninety two

thousand and fifty-nine Dollars, exclusive of the Interest due on the Spanish and Private Loans, and the Salaries of Foreign Ministers and Agents; and that of course more vigorous exertions must be made to make up for the deficiencies of Receipts on the Requisitions of the Year 1784 and 1785 than would have been the case, if the Revenue System of the 18th April, 1783, had been adopted at an earlier period by all the Members of the Union.

It is with the utmost regret that this Board are constrained to Observe, that although frequent Applications have been made by the Ministers of His Most Christian Majesty, and by the express directions of their Sovereign, to know with precision, what provision had been made for the payment of the Principal and Interest of the French Loans; and although the United States in Congress assembled by their Resolves of the 16th April, 1784, Pledged themselves "That they would with the greatest care adopt subsequent measures for the punctual payment of the Principal and Interest of the Debt due to France," yet no encrease of the Public Revenue has taken place in consequence of the earnest recommendations of the United States in Congress to the several States, but, on the contrary, the Collection of Taxes has been less productive than it was before the Requisition of the 27th April, 1784. Under these circumstances it becomes a duty which this Board owe to themselves and to Congress to declare explicitly, that the small product of the Taxes and the irregularity in their Collection, prevents them altogether from deriving any advantage from an Anticipation of the Revenue; and that they can only be responsible for the faithful Administration of the actual Funds which may come into the Public Treasury.

The Crisis is arrived when the People of these United States, by whose Will and for whose Benefit the Federal Government was instituted, must decide whether they will support their Rank as a Nation by maintaining the Public Faith, at home and abroad; or whether for want of a timely exertion in Establishing a General Revenue and giving Strength to the Confederacy, they will hazard, not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously and honorably contended.

Impressed with a persuasion, that a fair statement of the Sums for which a timely provision is necessary, accompanied with a serious and candid Appeal to the Honor and Interest of the several States cannot fail to have effect upon those to whom the Welfare of the Citizens is

entrusted, The Board beg leave to Annex to this Report a Statement of the several Installments of the Principal and Interest due on Foreign Loans; and to submit to the consideration of Congress the following Resolves.

Resolved, That a Copy of the Report of the Commissioners of the Board of Treasury on the Memorial of Monsieur Otto, Chargé des Affaires of His Most Christian Majesty, be transmitted to the Legislatures of the several States, and that they be called upon in the most earnest manner to enforce the Collection of Taxes in the several States, that the United States may be enabled to Discharge those Engagements with Foreign Nations which have been entered into for the Common Benefit.

Resolved, That the Requisitions of Congress of the 27th April, 1784, and 27th September, 1785, cannot be considered as the Establishment of a System of General Revenue in Opposition to that recommended to the several States by the Resolves of Congress of the 18th of Apr., 1783. That the said Requisitions were adopted only for making a Temporary provision for the Exigencies of Government, and the payment of the National Interest; and that Congress have ever trusted that the good Sense and Experience of the several States would soon impress on them the necessity of adopting in the fullest manner the Resolves above mentioned.

Resolved, That the Resolves of the 18th April, 1783, be again Recommended to the serious consideration of the Legislatures of those States which have not fully complied with the same, that they be earnestly called upon to adopt the same; and not to hazard the Welfare and Harmony of the Union by withholding their Assent to those Measures which in the Opinion of the other Members of the Confederacy are essential to the Interest, Honor, and Security of the Nation.

Resolved, That while the United States in Congress are deprived of the Means of satisfying those Engagements which they have Constitutionally entered into for the common Benefit of the Union: they cannot be responsible for those Evils which will inevitably flow from a Violation of the Public Faith and of those principles of Justice which are the only solid Basis of the Honor and prosperity of Nations.

All which is with deference to the Judgement of Congress Submitted.¹
February 7th 1786

Ordered, That the said report, together with the motion under debate, and the report which was postponed, be referred to a committee of five.²

OFFICE OF SECRETARY OF CONGRESS,
Febry. 8, 1786.

On the petition of Stephen Ranney stating that in pursuance of the Act of 20 feb^y, 1782, he has made application to the general Assembly of the state of Connecticut of which he is a member for his pay and depreciation and that the legislature has refused him.

The Secretary of Congress reports That the Act of 20 feb^y recommends to the states to settle and pay their respective citizens who were officers in the hospital departm^t only the depreciation of their pay and that the application to the legislature for the nominal amount of the wages said to be due him was irregular

The Secretary is therefore of opinion

¹ This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 223. Thomson has indorsed it: "Febry 8, 1786 Referred to Mr. King, Mr. Pinckney, Mr. Kean, Mr. Monroe, Mr. Pettit. March 2, 1786 Referred to Mr. Pinckney, Mr. King, Mr. Lawrance." Both of these indorsements he, afterwards, crossed off. The statement mentioned by the Board bears the title "Schedule of the French and Dutch Loans" and is in No. 144, folio 200. The "Schedule of the Spanish Loan" is on folio 205. See *post*, February 9.

² This committee was as noted in footnote to the report. Committee Book No. 190 notes this same reference and that a report was rendered by the committee of five on February 13.

That the petition of Stephen Ranney be referred to the Com^{rs} for
 Passed 9. ~~the hospital acc^{ts}~~ board of treasury to report whether any
 or what wages are due the petitioner.¹

THURSDAY, FEBRUARY 9, 1786

Congress assembled. Present as before.

On the report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson and Mr. [William] Hindman, to whom was referred a letter from Cyrus Griffin, esq^r

Resolved, That Congress are fully impressed with a sense of the ability, fidelity and attention of the judges of the court of Appeals, in the discharge of the duties of their Office; but that as the war was at an end, and the business of that court in a great measure done away, an attention to the interests

¹ This report is in the *Reports of the Secretary of Congress*, No. 180.

On this day, according to indorsement, was read the report of the Committee of January 24 on the letter of Cyrus Griffin. It is in the writing of Charles Pinckney and is in the *Papers of the Continental Congress*, No. 19, II, folio 535. It was passed verbatim on February 9 and is there spread, in full, on the Journal.

Also on this day the report of the Commissioners of Army Accounts on the petition of William Smith for pay and rations as an engineer in 1776 was read. It is in No. 62, folio 107. See *ante*, January 26.

Also, according to Committee Book No. 190, a petition from Paul Noyes for payment for cartridge boxes furnished in 1778, was this day read and referred to the Board of Treasury to report. A report was rendered January 26, 1788 and read in Congress February 1, 1788. The petition is in No. 42, V, folio 465.

Also, according to indorsement, were read two letters from George Rogers Clark and Richard Butler, Commissioners for treating with the Western Indians, dated November 10 and November 26, 1785. They are in No. 56, folios 333 and 337.

of their constituents made it necessary that the salaries of the said judges should cease.¹

FRIDAY, FEBRUARY 10, 1786

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Maryland, Mr. [William] Hindman.

Resolv'd, That the board of treasury be directed to lay before Congress a statement of all sums of money borrow'd from the treasury of the United States, by individual States during the late war.²

MONDAY, FEBRUARY 13, 1786

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Maryland, Mr. [William] Hindman.

Mr. [William] Grayson, a delegate for Virginia, attended, and produced credentials of his appointment.

¹FEBRUARY 9: The following committees were appointed: Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [John] Kean, Mr. [James] Monroe and Mr. [Charles] Pettit, on the report of the Board of Treasury and motion of Mr. Pinckney. See *ante*, February 3. Report was rendered February 13.

Mr. [John Cleves] Symmes, Mr. [Arthur] Lee and Mr. [Pierse] Long, on the letter of October 15, 1785, from Count de Beaufort. Report was rendered February 14.

Also the petition of Stephen Ranney, Jr., was referred to the "Board of treasury to report whether any or what wages are due the petitioner." Report was rendered February 25. The petition is in No. 42, VI, folio 510.

Also "Letters of Mr. Adams and Mr. Jefferson on the Prussian treaty &c." were referred to the Secretary for Foreign Affairs to report. He reported March 10. These letters were forwarded by Jay February 9 and his letter (No. 80, II, folio 141) was read this day.

Committee Book No. 190.

²This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 36, III, folio 215. It is indorsed by Roger Alden: "Motion 10th Feby 1786" and was entered by Thomson in *Committee Book No. 190*; it was also entered by Benjamin Bankson in *Resolve Book*, No. 123. The Board reported February 25.

VIRGINIA, *Scilicet*:

The GENERAL ASSEMBLY of this COMMONWEALTH, on the fifteenth Day of this present Month, by joint ballot of both Houses, elected William Grayson esquire a Delegate to serve in Congress from the time of his appointment until the first Monday of November one thousand seven hundred and eighty six.

Given under my hand and the Seal of the Commonwealth this 17th Day of November, 1785.

[SEAL]

P. HENRY.¹

The Committee, consisting of M^r [Rufus] King, M^r [Charles] Pinckney, M^r [John] Kean, M^r [James] Monroe, and M^r [Charles] Pettit, to whom were referred several Reports and Documents, concerning the system of General Revenue, recommended by Congress on the 18th of April 1783, Report:

That in pursuance of the above Reference, they have carefully examined the acts of the several States, relative to the general system of Revenue recommended by Congress on the 18th of April, 1783, and find that the states of Delaware and North Carolina, have passed acts in full conformity with the several parts thereof; the former of which states has inserted a proviso in their act, restraining the operation thereof; until each of the other states shall have made a like and equally extensive Grant; that the States of New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia and South Carolina, have each passed acts complying with that part of the system, which recommends a general impost, but have come to no decision on the other part, which proposes the establishment of Funds, supplementary to, and in aid of the general impost; that the state of Pennsylvania has passed an act complying with the recommendation of the general impost; and in the same act has declared, that their proportion or Quota of the supplementary Funds, shall be raised and levied on the persons and Estates of the inhabitants of that state, in such manner as the Legislature thereof shall from time to time direct, with this proviso, that if any of the annual proportion of the supplementary funds shall be otherwise raised and paid to the U. S. then such annual levy or Tax shall be discontinued: The committee conceive that this clause is rather an Engagement that Pennsylvania

¹ The original is in the *Papers of the Continental Congress, Virginia, Credentials of Delegates*. According to the indorsement it was read February 13. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

will provide adequate supplementary funds, than an actual establishment thereof; nevertheless, the act contains a proviso restraining its operation, until each of the other states shall have passed laws in full conformity with the whole of the Revenue system aforesaid: The committee farther find that the state of R. Island has passed an Act on this Subject, but so different from the plan recommended, and so wholly insufficient that it cannot be considered as a compliance with any part of the system submitted for their adoption; that the State of Maryland passed an act in 1782, and a supplement thereof in 1784, complying with the *recommendation* of Congress of the 3d of February, 1781, which *recommendation* is not compatible with, and was relinquished by the resolves of Congress of the 18th of April, 1783; but that neither the state of Maryland, New York, nor Georgia, has passed any Act in pursuance of the system of the 18th of April, 1783.

From this Statement it appears that Seven States, viz. New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina, and South Carolina, have granted the Impost in such manner, that if the other Six States had made similar Grants, the plan of the general impost might immediately begin to operate; that two other states, viz. Pennsylvania and Delaware, have also granted the impost, but have connected their grants with proviso's, which will suspend their operation until all the other states shall have passed laws in full conformity with the whole of the Revenue system aforesaid; that two only of these nine states, viz. Delaware and North Carolina, have fully acceded to that system in all its parts; and that the four other states, viz. R. Island, New York, Maryland and Georgia have not decided in favor of any part of the system of Revenue aforesaid, so long since, and so repeatedly presented by Congress for their Adoption.

The committee have thought it their Duty candidly to examine the principles of this System, and to discover if possible the Reasons which have prevented its adoption; they cannot learn that any member of the confederacy has stated or brought forth any objections against it, and the result of their impartial Enquiries into the nature and Operation of the plan, has been a clear and decided Opinion, that the system itself is more free from well founded exceptions, and is better calculated to receive the approbation of the several States than any other that the wisdom of Congress can devise.

In the course of this enquiry it most clearly appeared, that the Requisitions of Congress for Eight years past have been so irregular

in their operation, so uncertain in their collection, and so evidently unproductive, that a Reliance on them in future, as a Source from whence monies are to be drawn, to discharge the engagements of the confederacy, definite as they are in time and amount, would be not less dishonorable to the Understandings of those, who entertain such confidence, than it would be dangerous to the welfare and peace of the Union. The committee are therefore seriously impressed with the indispensable Obligation that Congress are under of representing to the immediate and impartial consideration of the several States, the utter impossibility of maintaining and preserving the Faith of the federal government, by temporary Requisitions on the states, and the consequent necessity of an early and complete accession of all the States to the Revenue system of the 18th of April, 1783.

Although in a business of this magnitude, and importance to the respective States, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the committee cannot forbear to remark, that this plan has been under Reference for nearly three years; that during that period numerous changes have taken place in the Delegations of every State, but that this system has received the repeated approbation of each successive congress, and that the urgency of the public engagements at this time, renders it the unquestionable Duty of the several States to adopt, without farther delay, those measures, which alone in the Judgment of the committee, can preserve the sacred faith of this Confederacy.

The following state of facts must convince the States of the propriety of urging this system with unusual anxiety at this period.

That the sum necessary to discharge the interest on loans of the	Dollars
King of France, to the 1st January, 1787, is.....	240, 740. 60
For interest on Certificates to foreign Officers made payable in	
France to the 1st of January, 1787.....	22, 370
For interest on the Spanish Loan, to the 21st March, 1787.....	48, 596. 55
For interest on the Dutch Loans, to the 1st June, 1787.....	265, 600
	<hr/>
	577, 307. 25

That although some of the Objects of Disbursement are in the year 1787, the periods at which they become due, will show the absolute necessity of an immediate provision for them.

That notwithstanding some of the above sums do not fall due until 1787, yet there will be due exclusive of the same, in that year, 1,252,938 Dollars and $\frac{5}{90}$ and during the nine succeeding years that

is until the year 1797, including the payment of the interest and the partial reimbursements of the Capitals of the French and Dutch Loans, the average sum of near one million of Dollars annually; for the certain obtaining of which, at fixed periods, effectual measures can no longer be delayed. More fully to illustrate this subject, the committee annex a schedule of the French and Dutch Loans, shewing the periods of their Redemption, with the annual interest payable thereon, until their final Extinction. In addition to the above foreign demands, the interest on the Spanish Loan, and on the Debts due to foreign Officers, must be provided for and annually paid. The amount of these annual Demands will be greatly increased by adding the annual interest on the domestic Debt, the whole of which is not yet liquidated, and the aggregate whereof, will consequently be enlarged beyond its last Estimate.

The committee contemplate, with great satisfaction, the prospect of extinguishing a part of the domestic Debt, by the sales of the western Territory of the United States; but a considerable Time must elapse before that Country can be surveyed and disposed of; and the domestic creditors, until that Event, must depend for support on the Justice of their Country: The Revenue system, if adopted, would afford this support, and enable Congress to fulfill the public Engagements with their Foreign Creditors. The whole product of this System is appropriated for the payment of the principal and interest of the national Debt, and no part thereof can be diverted to other purposes.

That it has been the earnest wish of congress to prevent the vast accumulation of foreign interest that now exists, appears from their Estimates and Requisitions of the 27th of April, 1784, and the 27th Sept. 1785; and the following Abstract, taken from the books of the Treasury, of the amount of monies brought into the federal Treasury in the course of the last four years, viz. between the 1st November, 1781, and the 1st January, 1786, will shew the little success of Requisitions, and demonstrate the inadequacy of their products to maintain the federal Government, and at the same time to discharge the annual public Engagements:

The Receipts of Taxes from the 1st November, 1781, to the 1st	Dollars
November, 1784, amount to.....	2, 025, 089. 34
From the 1st November, 1784, to the 1st Janaury, 1786.....	432, 897. 81
Total.....	<hr/> 2, 457, 987. 25

Thus it is evident that the sum of 2,457,987 Dollars and $\frac{2}{10}$ th only, was received in a space of more than four years, when the Requisitions in the most forcible manner, pressed on the States the payment of much larger sums, and for purposes of the highest national importance. It should be here observed, that the Receipts of the last fourteen months of the above period, amount only to 432,897 Dollars and $\frac{8}{10}$ which is at the rate of 371,052 Dollars per annum, a sum short of what is essentially necessary for the bare maintenance of the federal Government on the most economical Establishment, and in time of profound peace.

The committee observe, with great concern, that the security of the navigation and commerce of the Citizens of these States from the Barbary powers, the protection of the Frontier inhabitants from the Savages, the immediate establishment of military magazines in different parts of the Union, rendered indispensable by the principles of public Safety, the maintenance of the federal Government at home, and the support of the public Servants abroad, each, and all, depend upon the contributions of the States under the annual Requisitions of Congress. The monies essentially necessary for these important Objects, will so far exceed the Sums formerly collected from the States by Taxes, that no Hope can be indulged of being able, from that Source, to make any Remittances for the discharge of foreign Engagements.

Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the committee are of opinion, that it has become the Duty of Congress to declare most explicitly, that the Crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal Government was instituted, must decide, whether they will support their Rank as a nation, by maintaining the public faith at home, and abroad; or whether, for want of a timely exertion in establishing a General Revenue, and thereby giving strength to the confederacy, they *will hazard not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously and so honorably contended.*

And to the end that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent, the committee submit the following Resolves—

Resolved, That the Requisitions of congress of the 27th of April, 1784, and the 27th of September, 1785, cannot be considered as the establishment of a System of General Revenue, in opposition to that recommended to the several states by the resolves of congress of the 18th of April, 1783: That the said Requisitions were adopted for the exigencies of Government, and as a temporary provision for the payment of the interest of the National Debt; and that Congress have ever trusted that the Good Sense and Experience of the several States, would impress on them the necessity of adopting, in the fullest manner, the Resolves above mentioned.

Resolved, That the Resolves of congress of the 18th of April, 1783, recommending a system of general Revenue, be again presented to the consideration of the Legislatures of the several States, which have not fully complied with the same. That it be earnestly recommended to the Legislatures of New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina, which have complied only in part with the said system, completely to adopt the same; and to the Legislatures of the States of Rhode Island, New York, Maryland, and Georgia, which have not adopted the said system, either in whole or in part, to pass Laws without further Delay, in full conformity with the same. But as it is highly necessary that every possible aid should in the most expeditious manner be obtained to the Revenue of the United States, it is therefore recommended to the several states that in adopting the said system they enable the United States in Congress assembled to carry into effect that part which relates to the imposts so soon as it shall be acceded to.

Resolved, That whilst the United States in Congress, are denied the means of satisfying those Engagements which they have constitutionally entered into for the common Benefit of the Union; they cannot be responsible for those fatal Evils which will inevitably flow from a breach of Public faith, pledged by solemn contract, and a

violation of those principles of Justice, which are the only solid Basis of the honor and prosperity of Nations.¹

TUESDAY, FEBRUARY 14, 1786

Congress assembled. Present as yesterday.

The Committee [consisting of Mr. John Cleves Symmes, Mr. Henry Lee, and Mr. Pierse Long] to whom was referred the letter from the Count de Beaufort to His Excellency soliciting the United States to make him a grant of lands within their territory, upon certain conditions therein stipulated, beg leave to report.

That in the opinion of your committee, proper attention ought to be paid to the contents of the letter from the Count de Beaufort, for the following reasons:

1st That an advantageous disposition of the western territory is an object worthy the deliberation of Congress.

2nd That as the letter of the Count de Beaufort is the first overture of this nature made by any foreigner to the United States, it is just to conclude that the success attending this negotiation will give a complexion to subsequent ones, and operate very considerably on the minds of other Europeans who may entertain views of making similar proposals.

¹ This report, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 26, folio 579. According to indorsement it was read February 13 and "passed with alterations." See *ante*, February 3, and *post*, February 15. A printed copy of this report with ms. changes by Thomson, which bring it into conformity with the act passed February 15, is on folio 577.

On this day, according to indorsement, was read a letter from the Secretary for Foreign Affairs forwarding a letter from Alexander Fowler, dated October 1, 1785, from Pittsburg relative to Spain and the navigation of the Mississippi river. See *post*, February 15. Jay's letter is in No. 80, II, folio 149. Fowler's letter is in No. 78, IX, folio 547.

Also was read a letter from the Secretary at War enclosing letters from Major John Doughty, commanding Fort Harmar at the mouth of the Muskingum, a list of the Western Nations of Indians, a list of the houses destroyed by Major Doughty between Yellow Creek and the Muskingum, and other information. Knox's letter is in No. 150, I, folio 137; the enclosures follow it up to folio 164.

Also, according to Committee Book No. 190, a memorial from the executors of Col. Benjamin Flower was read and referred to the Board of Treasury to report. Report was rendered June 2, 1786, and read in Congress June 6. The memorial is in No. 138, II, folio 518.

Also, according to indorsement, a memorial from Francis Cazcau as executor of the estate of Florat de Florimond was read. See *post*, February 15.

Your committee find themselves a little embarrassed when they consider that the Count de Beaufort, believing (as they suppose) that the United States in their federal capacity are possessed of an extensive sea coast on the Atlantic, has calculated his plans upon commercial views, as well as on those of manufactures and agriculture; whereas in fact the United States have never been able to obtain the cession of one foot of sea coast, from the individual States. The interior navigable waters of the St. Lawrence and the Mississippi which spread themselves very extensively along the west and north boundaries of the United States, have no communication with the Atlantic ocean but through the dominions of his british majesty in Canada in the former instance, and through the territories belonging to his Catholic majesty at the Floridas in the latter. Therefore until by future treaties with these Crowns, the United States obtain the free navigation of those several rivers, the United States have it not in their power to encourage the maritime views of the Count de Beaufort.

Your committee are of the opinion that the United States have it in their power fully to accommodate the Count de Beaufort with a district of country equal to his wishes, as far as agriculture and manufactures are concerned, and within the latitudes to which he gives preference, but beg leave to submit, that the Ordinance of Congress of the 20th of May last, so circumscribes your committee that they do not find themselves at liberty to take into their consideration what particular parts of the federal lands are best adapted to the plan of the Count de Beaufort, it being impossible without a violation of the Ordinance to appropriate any certain district (especially in the extent requested) to the purposes of the Count.

Your committee are led to believe that the Count de Beaufort expects to obtain a patent from the United States of the district for which he sues, on a kind of feodal tenure, stipulating as an equivalent, to build houses and even a city, to introduce settlers, encourage the arts, establish manufactures, promote agriculture, &c, &c, and to effect much of this within a given period, and tho' your committee are fully sensible of the utility that would result to the United States from all these labours and improvements, yet the pressing necessities of the federal government are such, that if it was otherwise compatible with the genius and liberty of the citizens of the United States to countenance a tenure of this sort, their finances

of the general impost, and in the same act has declared, that their proportion or quota of the supplementary funds, shall be raised and levied on the persons and estates of the inhabitants of that State, in such manner as the Legislature thereof shall, from time to time, direct, with this proviso, that if any of the Annual proportion of the supplementary funds shall be otherwise raised and paid to the United States, then such annual levy or tax shall be discontinued: The Committee conceive that this clause is rather an engagement that Pennsylvania will provide adequate supplementary funds, than an actual establishment thereof; nevertheless, the Act contains a proviso restraining its operation until each of the other States shall have passed Laws in full conformity with the whole of the Revenue System aforesaid: The Committee further find, that the state of Rhode Island has passed an Act on this subject, but so different from the plan recommended, and so wholly insufficient, that it cannot be considered as a compliance with any part of the system submitted for their adoption; that the State of Maryland passed an Act in 1782, and a supplement thereto in 1784, complying with the recommendation of Congress of the 3d of February, 1781, which recommendation is not compatible with, and was relinquished by the resolves of Congress of the 18th of April, 1783; but that neither the State of Maryland, New York nor Georgia, has passed any act in pursuance of the system of the 18th of April, 1783.

From this statement it appears that seven States, viz. New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina and South Carolina, have granted¹ the impost in such manner, that if the other Six States had made similar grants, the plan of the general impost might immediately begin to operate; that two other States, viz. Pennsylvania and Delaware, have also granted the impost, but have connected their grants with provisoes, which will suspend their operation until all the other States shall have passed laws in full conformity with the whole of the revenue system aforesaid; that two only of these nine States, viz. Delaware and North Carolina, have fully acceded to that system in all its parts; and that the four other States, viz. Rhode Island, New York, Maryland and Georgia, have not decided in favour of any part of the system of revenue aforesaid, so long since and so repeatedly presented by Congress for their adoption.

The Committee have thought it their duty candidly to examine the principles of this system, and to discover, if possible, the reasons

¹ At this point Benjamin Bankson begins the entries in the Journal.

which have prevented its adoption; they cannot learn that any Member of the Confederacy has stated or brought forward any objections against it, and the result of their impartial enquiries into the nature and operation of the plan, has been a clear and decided opinion, that the system itself is more free from well founded exceptions, and is better calculated to receive the approbation of the several States than any other that the wisdom of Congress can devise.

In the course of this enquiry, it most clearly appeared, that the requisitions of Congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future as a source from whence moneys are to be drawn to discharge the engagements of the Confederacy, definite as they are in time and amount, would be not less dishonourable to the understandings of those who entertain such confidence, than it would be dangerous to the welfare and peace of the Union: The Committee are therefore seriously impressed with the indispensable obligation that Congress are under, of representing to the immediate and impartial consideration of the several States, the utter impossibility of maintaining and preserving the faith of the federal Government, by temporary requisitions on the States, and the consequent necessity of an early and complete accession of all the States to the revenue system of the 18th of April, 1783.

Although in a business of this magnitude and importance to the respective States, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the Committee cannot forbear to remark, that this plan has been under reference for nearly three years; that, during that period, numerous changes have taken place in the delegations of every State, but that this system has received the repeated approbation of each successive Congress, and that the urgency of the public engagements at this time, renders it the unquestionable duty of the several States to adopt, without further delay, those measures which alone, in the judgment of the Committee, can preserve the sacred faith of this Confederacy.

The following state of facts must convince the States of the propriety of urging this system with unusual anxiety at this period.

That the sum necessary to discharge the interest on Loans of the	Dollars 00 ^{ths}
King of France, to the 1st January, 1787, is-----	240, 740. 60
For interest on Certificates to Foreign Officers, made payable in	
France, to the 1st of January, 1787-----	22, 370
For interest on the Spanish Loan, to the 21st March, 1787-----	48, 596. 55
For interest on the Dutch Loans, to the 1st June, 1787-----	265, 600
	<u>577, 307. 25</u>

That although some of the objects of disbursement are in the year 1787, the periods at which they become due, will shew the absolute necessity of an immediate provision for them.

That notwithstanding some of the above sums do not fall due until 1787, yet, exclusive of the same, there will be due on the french and dutch Loans, in that year, 1,252,938 dollars and 57 ninetieths, and during the nine succeeding years, that is, until the year 1797, including the payment of the interest and the partial reimbursements of the Capitals of the french and dutch loans, the average sum of near one million of dollars annually; for the certain obtaining of which, at fixed periods, effectual measures can no longer be delayed. More fully to illustrate this subject, the committee annex a schedule of the french and dutch loans, shewing the periods of their redemption, with the annual interest payable thereon, until their final extinction; in addition to the above foreign demands, the interest on the Spanish loan, and on the debts due to foreign Officers, must be provided for and annually paid: The amount of these annual demands will be greatly increased by adding the annual interest on the domestic debt, the whole of which is not yet liquidated, and the aggregate whereof, will consequently be enlarged beyond its last estimate.

The Committee contemplate, with great satisfaction, the prospect of extinguishing a part of the domestic debt, by the sales of the Western territory of the United States; but a considerable time must elapse before that Country can be surveyed and disposed of; and the domestic Creditors, until that event, must depend for support on the justice of their Country: The revenue system, if adopted, would afford this support, and enable Congress to fulfil the public engagements with their foreign Creditors. The whole product of this system is appropriated for the payment of the principal and interest of the National debt, and no part thereof can be diverted to other purposes.

That it has been the earnest wish of Congress to prevent the vast accumulation of foreign interest that now exists, appears, from their

estimates and requisitions of the 27th April, 1784, and 27th September, 1785; and the following abstract, taken from the books of the Treasury, of the amount of moneys brought into the federal treasury in the course of the four last years, viz. between the 1st November, 1781, and the 1st of January, 1786, will show the little success of requisitions, and demonstrate the inadequacy of their products to maintain the federal government, and at the same time to discharge the annual public engagements.

The receipt of taxes from the 1st November, 1781, to 1st November, 1784, amount to.....	Dollars	90 th s
From 1st November, 1784, to the 1st January, 1786.....	2, 025, 089.	34
	432, 897.	81
Total.....	2, 457, 987.	25

Thus it is evident, that the sum of 2,457,987 dollars and 25-90ths only, was received in a space of more than four years, when the requisitions, in the most forcible manner, pressed on the States the payment of much larger sums, and for purposes of the highest national importance. It should be here observed, that the receipts of the last fourteen months of the above period, amount only to 432,897 Dollars and 81-90ths, which is at the rate of 371,052 dollars per annum, a sum short of what is essentially necessary for the bare maintenance of the federal government on the most economical establishment, and in time of profound peace.

The Committee observe with great concern, that the security of the Navigation and Commerce of the Citizens of these States from the Barbary powers, the protection of the frontier inhabitants from the savages, the immediate establishment of military magazines in different parts of the Union, rendered indispensable by the principles of public safety, the maintenance of the federal government at home, and the support of the public servants abroad, each and all, depend upon the contributions of the States under the annual requisitions of Congress. The moneys essentially necessary for these important objects, will so far exceed the sums formerly collected from the States by taxes, that no hope can be indulged of being able, from that source, to make any remittances for the discharge of foreign engagements.

Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the Committee are of opinion, that it has become the duty of Congress to

declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the Union, but of those great and invaluable privileges for which they have so arduously and so honourably contended.

Resolved, That Congress agree to the said report.

And to the end, that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent,

Resolved, That the requisitions of Congress of the 27th of April, 1784, and the 27th of September, 1785, cannot be considered as the establishment of a system of general revenue, in opposition to that recommended to the several States by the resolves of Congress of the 18th of April, 1783.

Resolved, That the resolves of Congress of the 18th of April, 1783, recommending a system of general revenue, be again presented to the consideration of the Legislatures of the several States, which have not fully complied with the same: That it be earnestly recommended to the Legislatures of New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia and South Carolina, which have complied only in part with the said system, completely to adopt the same; and to the Legislatures of the States of Rhode Island, New York, Maryland and Georgia, which have not adopted the said system, either in whole or in part, to pass laws, without further delay, in full conformity with the same. But as it is highly necessary that every possible aid should, in the most expeditious manner, be obtained to the revenue of the United States, it is therefore recommended to the several States, that, in adopting the said system, they

enable the United States in Congress assembled, to carry into effect that part which relates to the impost, so soon as it shall be acceded to.

Resolved, That whilst Congress are denied the means of satisfying those engagements which they have constitutionally entered into for the common benefit of the Union, they hold it their duty to warn their Constituents that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and a violation of those principles of justice, which are the only solid basis of the honor and prosperity of Nations.¹

¹ FEBRUARY 15: On this day was read a letter from the Secretary for Foreign Affairs forwarding a note from P. J. van Berckel, Minister of the United Netherlands, respecting de La Lande & Fynje. Jay's letter is in No. 80, II, folio 153; van Berckel's, dated February 9, is in No. 81, II, folios 47-49. The matter was referred to the Secretary for Foreign Affairs to report, which he did February 28, and his report was read March 1.

Also, letters of December 5 and December 12, 1785, from John Pintard, U. S. commercial agent in Madeira, were forwarded by a note of February 15 from the Secretary for Foreign Affairs. They were read this day and referred back to the Secretary to report. His report was read May 19. Jay's letter is in No. 80, II, folio 145.

Also, Alexander Fowler's letter of October 1, 1785, was referred to the Secretary for Foreign Affairs to report and his report read February 28.

Also, the letter of February 15, 1786, from the Secretary for Foreign Affairs forwarding a letter from Thomas Barclay was referred to the Board of Treasury to report.

Also, a petition from Francis Cazeau praying for copies of papers respecting his accounts and the memorial from him as executor of the estate of Florat de Florimond for commutation were referred this day to the Board of Treasury and Commissioner of Army Accounts, respectively, to report. The memorial for the estate of de Florimond is in No. 41, II, folio 282. According to indorsement it was read February 13 and a report rendered February 21.

Also, a memorial of James Kenny for compensation for services in Canada in connection with Francis Cazeau was referred to the Board of Treasury to report.

Committee Book No. 190.

THURSDAY & FRIDAY, FEBRUARY 16 & 17, 1786¹

Six States only attended; viz. New Hampshire, Massachusetts, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Connecticut, Mr. [Stephen Mix] Mitchel, and from Maryland, Mr. [William] Hindman.

MONDAY, FEBRUARY 20, 1786

Three States only met; viz. Massachusetts, New Jersey and Pennsylvania, and from New Hampshire, Mr. [Pierse] Long; from Connecticut, Mr. [Stephen Mix] Mitchel; from Maryland, Mr. [William] Hindman; from Virginia, Mr. [Henry] Lee, and from South Carolina, Mr. [David] Ramsay.

Mr. [Arthur] St. Clair, a delegate for Pennsylvania, attended.

[SEAL] In the *Name* and by the *Authority* of the FREEMEN of the Commonwealth of PENNSYLVANIA.

THE SUPREME EXECUTIVE COUNCIL, OF THE SAID COMMONWEALTH,

To The Honorable Arthur St. Clair, Esquire:

Whereas, The General Assembly of this Commonwealth have, by their Act of the Eleventh Day of November in the Year of our Lord one thousand seven hundred and Eighty five elected you a Delegate to represent this State in the Congress of the United States—You are therefore hereby commissioned as such.

Given in Council, under the Hand of His Excellency Benjamin Franklin esquire, President, and the Seal of the State, at Philadelphia, this fourteenth Day of November in the Year of our Lord one thousand seven hundred and Eighty-five.

Attest: JOHN ARMSTRONG, Jr., S^r.²

¹ At this point Thomson resumes the entries in the Journal.

² The original is in the *Papers of the Continental Congress, Pennsylvania Credentials*. It is also entered in the *Record of Credentials* from which it appears to have been read on this day,

TUESDAY, FEBRUARY 21, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Connecticut, Mr. [Stephen Mix] Mitchel, and from Maryland, Mr. [William] Hindman.

The Committee consisting of Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [Charles] Pettit to whom were referred the letters of Mr. Adams to make such extracts relative to commerce as they should deem necessary to communicate to the States and to draft a letter concerning the same—Report

That in their opinion the letter N^o. 1 with the extracts herewith delivered should be transmitted to the States of N. H., M., R. I., C., N. Y., Pen., Mar., V., N. C., and Jersey.

And that the letter N^o. 2 with the same extracts should be transmitted to the States of D., S. C., and Georgia.¹

¹ This report, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 19, I, folio 37. According to indorsement it was recommitted February 21 to the committee as noted in *Committee Book No. 190* which contradicts the indorsement by stating that the recommitment was made on February 25 along "with the Acts passed by the States in pursuance of the Act of 30 April 1784" and that a report was rendered February 28. Draught of letter No. 1 is on folio 39 and of letter No. 2 on folio 41.

FEBRUARY 21: The following committees were appointed:

Mr. [Nathaniel] Gorham, Mr. [William] Grayson and Mr. [Rufus] King, on a letter of December 31, 1785, from Richard Hooe, "relative to capt: and release of Capt. Erwin and crew by the Moors and his expences thereon." This was Capt. James Erwin of the brig *Betsy*. Hooe's letter is in No. 59, III, folio 105, and is indorsed as read this day and "agree^d to suspend the consideration until Accts are Rec^d from the Commsrs to treat with the Barbary Powers."

Also a petition of "Giles Woolcut to be allowed for money lost" was referred to the Board of Treasury to report and their report considered March 28, and acted on March 29. Wolcutt's petition is in No. 42, VIII, folio 342.

Committee Book No. 190.

Also, according to indorsement, a letter from the Secretary for Foreign Affairs of this date was read, forwarding a letter of October 9, 1785, from John Paul Jones, reporting progress in settling the matter of prize money in Europe. Jay's letter is in No. 80, II, folio 157; Jones's in No. 168, II, folio 335.

Also, was read a letter of February 20 from the Secretary at War, forwarding intelligence from Miami respecting the Indian treaty. Knox's letter is in No. 150, I, folio 97.

[Motion M^r Charles Pinckney]

That a resident be appointed for Portugal and that the S. for foreign affairs be directed to report instructions for such resident.¹

FEBRUARY, 22, 23 AND 24, 1786.

Only Six States attended; namely, New Hampshire, Massachusetts, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Connecticut, Mr. [Stephen Mix] Mitchel, and from Maryland, Mr. [William] Hindman.²

SATURDAY, FEBRUARY 25, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Virginia and South Carolina, and from Connecticut, Mr. [Stephen Mix] Mitchel, and from Maryland, Mr. [William] Hindman.

The Board of Treasury to whom was referred the petition of Stephen Ranney Jun^r, late a Surgeons Mate in the General Hospital of the United States, Beg leave to Report:

That since the said Memorial has been presented to Congress, the Accounts of the said Stephen Ranney have been Liquidated by the Commissioner for Settling Accounts in the Hospital Department, and a Balance found due to him from the United States on account of his Nominal Pay, and Rations of Five hundred and thirty two Dollars $\frac{6}{10}$ ths, for which he has received the usual Certificate.

The Board beg leave further to Report, That from the Report of the Commissioner of the Hospital Department to this Board, it appears, that there is due to the said Stephen Ranney from the State of Connecticut (of which he states himself an Inhabitant) the

¹ This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 136, III, folio 217. According to indorsement it was offered this day and "postponed till tuesday 28th feby."

² FEBRUARY 22: On this day, according to indorsement, the Board of Treasury reported the sums borrowed from the Continental Treasury by individual States. The letter forwarding the report is in the *Papers of the Continental Congress*, No. 140, I, folio 107. The statement itself of the sums borrowed was submitted in printed form. According to *Committee Book*, No. 189, this report was considered February 25 and acted on April 6.

Sum of Two thousand and nineteen Dollars on account of Depreciation of Pay, on the principles of the Resolves of Congress of the 10th April, 1780, and 20th February, 1782.

In Support of this Claim of the Memorialist the Board submit to the Consideration of Congress the following Resolve, viz.

That it be recommended to the Legislature of the State of Connecticut, to settle and Discharge the Depreciation of Pay due to Stephen Ranney Jun^r, late a Surgeons Mate in the General Hospital of the United States, agreeably to the Resolve of Congress of the 20th February, 1782.¹

February 22^d 1786.

OFFICE FOR FOREIGN AFFAIRS,

21st February, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred, a Letter to him of 28th November last from the Chargé des Affaires of France enclosing a Plan of a Treaty for the Correspondence of Letters between the Post Offices of France and those of the United States, Reports:

That he has submitted the said Plan to the Consideration of the Post Master General of the United States, whose Opinion thereon appears in the following Letter, viz:—

GENERAL POST OFFICE,

February 16, 1786.

SIR: I have had under Consideration the proposed "Plan of a Treaty for the Correspondence of Letters between the Post-Offices of France and those of the United States of North-America," and observe but one Defect in it; and that is, it is left optional with the Writers to pay the Postage or not; and if we may judge from Experience, they will not pay it. The Consequences will be—

1st. That a Receipt must be given by the American Office, which will make the United States accountable for the Amount of the Postage.

2^d. The Letters must then be distributed from New Hampshire to Georgia; and the dead or (refuse) Letters returned to New York at

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 277. According to indorsement it was read February 25 and passed April 6.

the Risque of the United States; which will, evidently be very great, if we consider the Distances to which the Letters must travel, the Size and Situation of many of our Ferries, and our Seasons, especially the Winter.

3^d. Accounts must be kept between the American and French Offices, which, in their very nature, must be complex and intricate, both Nations being interested in the Postage of each letter, and the Postage being marked, partly in french Money and partly in Penny-weights and Grains of Silver; the former, not being sufficiently understood by us—will occasion many Errors, and be the Source of much Confusion.

We were exactly upon the above Plan with Respect to the british Packets at their first Establishment, as you will observe from the enclosed Advertisement; but the Inconveniencies attending it were so great that it was found necessary to make an Alteration; and the whole Business was amazingly simplified by providing that all the Packet Postage should be paid in England. By this small change in the System every Difficulty is removed; and, as Experience has evinced its Utility, I beg leave to recommend the Adoption of the same Mode in the present Case. Indeed, it will be more advantageous to France than the Plan now proposed, because the number of refuse Letters will be lessened by it, as all the Letters put into the Offices in France will then be paid for, and the refuse Letters from this side of the Water will not be more numerous upon this Plan than upon the other: there will also be a Saving of the Commissions allowed to the Deputy Post Masters for transacting the Business.

The other Regulations, such as giving the Captains, Receipts for the Mails, sending Invoices of the Letters &c^s are equally proper upon either Plan.

I have the honor to be &c^s

(Signed)

EBEN^s HAZARD.

The Honble: the Secy: for foreign Affairs.

Your Secretary thinks the Observations of the Post Master General are well founded, and therefore is of Opinion, that he the said Post Master General should be duly authorized to conclude the said Treaty with the Director of the French Posts vested with equal Powers on the part of his Most Christian Majesty, provided the Alterations in question are admitted, and provided further that the Duration of the said Treaty shall not exceed the Term of ten Years.

Your Secretary is also of Opinion that the said Treaty should be engrossed and executed in both Languages.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

Estimate of Monies requisite for the Services of the Year 1786.

		Dollars
For Civil Department as p ^r N ^o 1.....	165, 352. 86	
To which add Omissions of Salaries of the		
Chargé des Affaires at the Court of Spain..	3, 000	
And Secretary to the Board of Treasury..	1, 000	
	169, 352. 86	169, 352. 86
Military Department as p ^r N ^o 2.....	180, 212. 50	
Deduct so much included in N ^o 1 being for		
the Salaries of the Secretary at War, Pay		
Master General &c.....	11, 938	
	168, 274. 50	168, 274. 50
Contingencies as p ^r N ^o 3; this Estimate is founded upon the		
actual Payments made under this Head in the Year 1785—		
which were as follows, viz:		
Payments of Old Accounts by Special Acts of		
Congress.....	69, 386. 59	
Pensions & Annuities.....	3, 106. 44	
Grants of Congress.....	19, 177. 51	
Contingencies.....	2, 624. 1	
	94, 294. 65	94, 294. 65
(To which might be added the Amount of Monies appropriated by Congress for Treaties with the Barbary Powers, which having been done, previous to the existence of the present Board of Treasury, they are consequently unacquainted with the Amount.)		
Indian Affairs.....		6, 000
Expence of the Geographer, Surveying &c as p ^r N ^o 4.....		8, 953
Foreign Debts:		
For Payment of Interest due this Year, as p ^r		
Schedule of the French and Dutch Loans		
already transmitted to Congress.....	317, 985. 10	
For Ditto of Principal and Interest due in the		
Year 1787, as p ^r D ^o which ought to be pro-		
vided for in the Year 1786.....	1, 392, 059. 17	

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 35. According to indorsement it was read February 25, 1786, and "Referred back to Secy. for foreign Affairs to report." Committee Book No. 190 shows that the Secretary again reported March 29. The advertisement referred to is a broadside notice of the New York-Falmouth packets issued by the British Postmaster General, 1783, November 18, and is on folio 77.

Foreign Debts—Continued.

For Interest due on the Spanish
Loan to the Year 1787 inclusive
as p^r D^e which ought to be pro-
vided for in this Year..... 48, 596. 55

Deduct so much provided for by
the Requisitions of the 27 April,
1784, and 27 September, 1785... 42, 600

2, 396. 55

For One Year's Interest on 186,427⁶/₁₀₀ Dollars,
Debts Funded by Foreign Officers, the
Interest whereof is made payable annually
on the 1st January, at the House of Monsieur
Grand, Banker in Paris.....

11, 185. 55 Dollars

1, 723, 626. 47

Domestic Debt Liquidated as p^r N^o 5:

One Years Interest on 14,578,-
009³/₁₀₀ Dollars..... 874, 680. 48

From which Deduct the Interest
on 186,427⁶/₁₀₀ (Debts Funded
by Foreign Officers included in
the Foreign Debt above)..... 11, 185. 55

863, 494. 83

Loan Office Debt:

3,778,900 Dollars, Issued to 1st
September, 1777, equal to Spe-
cie—One Years Interest there-
on..... 226, 734

3,549,200 Dollars Issued between
1st September, 1777, & 1st
March, 1778, which sum is sub-
ject to Liquidation by the Scale,
but the Interest is payable on
the nominal sum—One Years
Interest thereon..... 207, 552

Loan Office Dept—Continued.

5,146,330% ₁₀₀ Dollars, Specie value of Loan Office Certificates Is- sued after 1 st March, 1778, One Years Interest thereon.....	308, 779. 72		
	743, 065. 72	Dollars	
			1, 606, 560. 65
Dollars.....			3, 777, 062. 43

BOARD OF TREASURY,
February 20th, 1786.

SAMUEL OSGOOD,
WALTER LIVINGSTON.
ARTHUR LEE.¹

¹ This report is in the *Papers of the Continental Congress*, No. 140, II, folio 115. According to Committee Book No. 190, it was considered February 25 and referred to the Grand Committee of February 25. The letter from the Board of Treasury, forwarding this report is dated February 22 and is in No. 140, II, folio 131. A printed pamphlet of 13 folio pages headed Estimate of the Annual Expenditures of the Civil Departments of the United States, and dated at the Board of Treasury, February 20, 1786, is among the Continental Congress broadsides in the Library of Congress. It includes the above report and various statements of accounts of both 1785 and 1786 and appears to have been printed July 3 as an accompanying document to the report of the Board of Treasury, dated June 22, and read June 27.

FEBRUARY 25: The following committees were appointed:

Mr. [Samuel] Livermore, Mr. [Stephen Mix] Mitchell, Mr. [John] Lawrance, Mr. [John Cleves] Symmes, Mr. [Arthur] St. Clair, Mr. [William] Hindman, Mr. [Arthur] Lee, and Mr. [John] Kean, a grand Com., "on Report of Board of Treasury and estimate of the money wanted for 1786. The Com^{es} to meet in the Congress chamber on Monday next at 10 clock. June 1 The Com^{es} discharged and the report and Estimate referred to the board of treas^{ry} to report."

Mr. [William] Grayson, Mr. [John] Kean, Mr. [William Samuel] Johnson, Mr. [John Bubenheim] Bayard and Mr. [Nathaniel] Gorham, "to prepare and report an Ordinance on the post Office. 11 febr^y, 1786. Letter from Com^{es} of Merchants and traders of Philad^a" This was a renewal of the committee of December 27, 1785, on post office, which reported January 6, 1786. Report was rendered June 15. The letter from the Philadelphia merchants complained of the inconvenience of the mails, is dated February 11 and is in No. 59, III, folio 351.

Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [Stephen Mix] Mitchell on a memorial for depreciation losses from Francis Nichols. See *ante*, January 27, committee on depreciation petitions from quartermaster department employees. Nichols' petition is in No. 41, VII, folio 126.

The report of the Committee of February 21 was received and this day recom-
mitted. See *post*, February 28.

Committee Book No. 190.

MONDAY, FEBRUARY 27, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Connecticut, [Mr. Stephen Mix] Mitchel, and from Maryland, Mr. [William] Hindman.

[A Motion of Mr. Dane]

That a Committee of Five be appointed to examine how far the several States have complied with, and adopted the Alteration of the Eighth Article of the Confederation and perpetual Union, recommended by Congress, April 18, 1783, and to consider and report, what further Measures are proper to be adopted by Congress, for carrying into Effect a Federal Rule for apportioning Federal Taxes on the several States.¹

[Motion of M^r Monroe]

Resolv'd, That the President and other members of Congress shall in all cases have precedence, and that the secretary of foreign affairs be instructed to give information thereof to the representatives of foreign powers, that they may be enabled to comply with the sentiments of the U. S. in Congress assembled.²

FEBRUARY 28, AND MARCH 1 AND 2, 1786.

Congress assembled. Present, as before.

[FEBRUARY 28, 1786.]

The Secretary of the United States of America for the Department for foreign Affairs, to whom was referred a letter to him from A. Fowler, of 1 October last, complaining that a boat which he had sent down the Mississippi was stopped at the Natches by the Spaniards, having reported,

¹ This motion forms the preamble to the report of the committee forthwith appointed, which was read March 8. The committee according to Committee Book No. 190 was: Mr. [Nathan] Dane, Mr. [William] Grayson, Mr. [Stephen Mix] Mitchell, Mr. [James] Monroe and Mr. [John] Kean. See *post*, March 8.

² This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 36, III, folio 213.

That there is good reason to believe that the King of Spain is resolved, if possible, to exclude all Nations from the navigation of that part of the Mississippi which runs between his territories.

That therefore the United States will not have that navigation open to their citizens, unless by *Arms*, or by *Treaty*. That in the Opinion of the Secretary, the time for the *former* is not yet come. That the free navigation of that river is now the subject of discussion between the Spanish Encargado de Negocios and himself, and that great difficulties oppose their agreeing on that head. But that however doubtful the success of these negotiations may be, it appears to him most prudent that they should not be precipitated, and therefore he thinks that the letter which he has written to Mr. Fowler, and of which a copy is subjoined, prevents the necessity of taking further measures for the present. As the country adjacent to the river becomes filled with people, and the affairs of the Confederacy become regulated and arranged, the attainment of that and every other object will daily and proportionably become more probable and easy.

The copy of the letter subjoined is as follows:

NEW YORK, *February 13, 1786.*

SIR, I have been favoured with your letter of 1 October last, and am sorry you have experienced the difficulties and disappointments mentioned in it. It is to be hoped that all territorial questions between the United States and Spain will be amicably settled, and that both parties will, in the mean time, cultivate that disposition which is most likely to promote that end. Whatever resolutions Congress may take on your letter shall be communicated to you; and if further occurrences

relative to the subject of it have since happened, I wish you had taken an Opportunity of informing me of them.

I am, &c.

JOHN JAY.

Ordered that the foregoing report be referred back to the Secretary for foreign Affairs to take Order.¹

The Committee consisting of Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [William] Grayson, to whom were recommitted sundry papers and documents relative to Commerce, and the acts passed by the States in consequence of the recommendations of Congress of the 30th April, 1784, Report—

That they have carefully examined the several matters given to them in charge, from which it appears, that there is little or no probability of commercial treaties being formed with any European power, other than those already concluded; but more especially there does not appear any prospect of forming one, with the British nation on terms reciprocally advantageous.

The reasons which have produced this determination seem to be—

1st The want of power in Congress to form a system regulatory of foreign commerce; which meeting theirs with equal restrictions, would render it expedient for them to forego their present system, so highly disadvantageous to the union, and would operate on them a necessity of concluding treaties on terms mutually advantageous.

2^d The hope and belief which they entertain that the States never will grant Congress such powers as are necessary to effect

¹ This proceeding is entered by Thomson in *Secret Journal, Foreign and Domestic*, No. 4; a copy by Benjamin Bankson is in *Secret Journal*, No. 5. Jay's original report is in No. 81, II, folio 39.

FEBRUARY 28: The following committee was appointed:

Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [William] Grayson, Mr. [Stephen Mix] Mitchell and Mr. [John Bubenheim] Bayard, on the letter of February 27 from the Board of Treasury. The Committee reported March 6.

Also, a petition from the officers of Colonel Benjamin Flower's regiment of Artillery-Artificers was referred to the Secretary at War to report.

Committee Book No. 190.

Also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, forwarding a petition, dated February 27, 1786, from Pierre du Calvet. It is in No. 42, II, folio 194, and is indorsed as read this day and also "See a Report of the Board of treasury Sept. 19th, 1785, relative to the Accounts of Mr. Du Calvet." Jay's letter is in No. 80, II, folio 165.

purposes so much to be desired, and that in their individual capacity they can never be brought to unite in a system uniform in its parts and efficacious in its operation.

Commerce under due regulation is of the highest national importance; it is the basis of naval power; it is an incentive to industry; it is a source of opulence; the protection of it calls forcibly on the States for their most serious consideration. For want of due regulation the foreign commerce of the union is threatened with annihilation.

Our Commerce in the hands of foreigners will to them be strength and riches; while we, deprived of it, will be insignificant amongst the most insignificant.

Congress have not been unmindful of these very weighty considerations. So long since as the 30th April, 1784, they recommended to the States, to vest the U. S. in Congress assembled with power to prohibit for fifteen years the importation or exportation of any goods, wares, or merchandize in vessels belonging to or navigated by the subjects of any power with whom these states have not formed commercial treaties and also to prohibit for the same term of time the subjects of any foreign state, kingdom or empire unless authorised by treaty, from importing into the U. S. any goods, wares or merchandize which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Although the powers to be vested by these recommendations do not embrace every object that may be necessary in a well formed system, yet many very beneficial effects may be expected from them. . . .

Convinced of the great utility of a well regulated commercial system and the impracticability of forming one, uniform and efficacious under thirteen different authorities, we think it the duty of Congress to call the attention of the States to a subject of such magnitude, the longer neglect of which must be attended with evils of vast importance.

Therefore that Congress may stand exculpated from all inattention we think the following resolutions should be adopted ¹—

¹ This report, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 24, folio 159. According to indorsement it was read this day and made the "Order for friday, March 3." The omitted portion above, and the resolves recommended are incorporated verbatim, with very slight, inconsequential verbal changes, in the Journal for March 3.

[MARCH 1, 1786.]

OFFICE FOR FOREIGN AFFAIRS,
28th February, 1786.The note is Dated
9th Feby.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Note of the 15th Instant from the Minister of the United Netherlands Reports:

That this Note states in Substance, that the House of de la Lande & Fynje of Amsterdam has failed.

That the Majority of their Creditors addressed the States of Holland and West Friezeland for a Letter of Licence for the said House, which was granted *provisionally* on the 4th July last—but what those Provisions are does not appear from this Note.

That there is reason to apprehend that some of these non-concurring Creditors, endeavour to elude the Orders of their Sovereign, by seizing the Effects, Monies and Claims of the House in America.

That to prevent this, the said House and the Assignees appointed by a Majority of their Creditors petitioned the States General of the Low Countries, to order their Minister here to take proper Measures to stop such Proceedings of this small number of Creditors who act separate from and to the Prejudice of the rest.

That their High Mightinesses answered favorably to this Petition, by their Resolution of 20th October last.

In pursuance of which, the Minister requests, that Congress will be pleased to take Measures to prevent the Seizure of Merchandises, Effects and Credits of the said House on the Part of any other Dutch Subject than such as may act under Powers from that House or their Assignees, and to annul all such Seizures as may have already been made.

On this State of Facts your Secretary thinks it should be Resolved—
All which is submitted to the Wisdom of Congress—

JOHN JAY.¹

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 43 According to indorsement it was read March 1 and passed May 17, 1786, where the resolve suggested is spread *verbatim* on the Journal. A translation of Van Berckel's note of February 9 is on folios 47-51.

[A Motion of Mr. Pinckney]

“That the Sec^y inform the C. des Aff^{rs} of F[rance] that C[ongress] have rec^d his late mem^t &c.”¹

[MARCH 2.]

[Motion of Delegates of New York.]

Whereas the Senate and Assembly of the State of New York have by their concurrent Resolutions declared as follows:

¹ This entry, by Charles Thomson, is in Committee Book No. 190. It is noted as referred to the Secretary for Foreign Affairs to report and that report was made March 9. The business was that of a postal convention between the United States and France. See *ante*, February 21.

MARCH 1: The following committee was appointed: Mr. [Rufus] King, Mr. [Charles] Pinckney and Mr. [Zephaniah] Platt, on a “Letter 1 March from Sec^y for foreign Affairs respecting a horse sent him as a present by the King of Spain and parag. of Report of Sec^y for. on present to Dr. F. by X M.” This committee was discharged March 3, *q. v.* Jay’s letter is in No. 80, II, folio 169, and his answer to Don Diego Gardoqui is, in copy form, on folio 173.

Also, a letter of February 25, from John Temple, British Consul General, forwarding memorials of Richard Lawrence and William Hunt, asking help in release from prison, which were forwarded by the Secretary for Foreign Affairs, were referred back to said Secretary “to report the propriety of Application and expediency of a reply”. He reported thereon March 8. Temple’s letter is in No. 92, folio 499, the original petitions follow it. Jay’s forwarding letter is in No. 80, II, folio 161.

Also, a memorial of David Phipps, for pay due him as a lieutenant in the Continental Navy, dated from New Haven, February 22, was this day read and referred to the Board of Treasury to report. Report was rendered March 7. Phipps’ memorial is in No. 41, VIII, folio 216. This action was taken in accordance with the report of the Secretary of Congress thereon, this date, entered in *Reports of the Secretary of Congress*, No. 180.

Also, an “Ext^t of Doct^r Franklin’s letter of 19 Sept. 1785 respect^g want of punctuality in paying the Interest” [on the French debt] was referred to the Board of Treasury. Franklin’s letter of September 19 is copied in No. 100, II, folio 260. This is the same letter that mentions the present from the King of France.

Committee Book No. 190.

On this day also the Secretary of Congress reported on the petition of Pierre du Calvet by reciting the history of the case and reminding Congress that “on the 29 Sept. last. . . . Congress resolved That the board of treasury take Order for the payment of the above sum of 5,352.43 dollars.”

Reports of Secretary of Congress No. 180.

STATE OF NEW YORK:

IN SENATE, *Febru^y 7th, 1786.*

Whereas it appears to this Legislature, That in October, 1782, there remained unissued in the hands of Abraham Yates Jun^r Esquire Continental Commissioner of Loans within this State 25,172⁴/₁₀₀ and $\frac{1}{2}$ Dollars of the Paper Money commonly called New Emission Money, part of the $\frac{1}{10}$ assigned to the use of the United States, agreeable to the Act of Congress of the 18th March, 1780, and the Act of this State of the 15th June, 1780, in conformity thereto; That of the said 25,172⁴/₁₀₀ and $\frac{1}{2}$ Dollars 21,892 Dollars have been put into Circulation by the Continental Board of Treasury subsequent to the Act of Congress of the 27th September, 1785, the remaining 3,280⁴/₁₀₀ and $\frac{1}{2}$ Dollars having been appropriated from time to time by the said Commissioner of Loans, as in part for his Salary and Pay for his Clerks; That by the said Act of Congress of the 27th September, 1785, there is required of this State 85,495³⁰/₁₀₀ Dollars in Specie for the use of the United States to be appropriated as in the said Act is mentioned; That the said Sum of 21,892 Dollars, has consequently been appropriated in discharge of part of the Federal debt.

Thereupon *Resolved*, That when the Legislature passed the Act of the 12th May, 1784, for the immediate Sale of the Confiscated Estates, by which a Fund was established for the Redemption of the New Emission Money in Specie, it was not in Contemplation to Redeem such part thereof as then remained in the Continental Loan Office within this State. That as the Funds established for such Redemption were Predicated on the Sum, then actually 25,172⁴/₁₀₀ and $\frac{1}{2}$ Dollars with the Interest accrued thereon. That the Legislature will nevertheless by Law, direct the Treasurer, immediately to Redeem the said 25,172⁴/₁₀₀ and $\frac{1}{2}$ Dollars with the Interest accrued thereon in Specie. Provided the United States in Congress assembled shall direct, that the Sum of 25,172⁴/₁₀₀ and $\frac{1}{2}$ Dollars and the Interest accrued thereon, be Carried to the Credit of this State in the Specie Requisition contained in the said Act of the 27th September, 1785, and to Charge this State in an equivalent in Old Continental Money, agreeable to the Ratio established in the Act of Congress of the 18th March, 1780.

Resolved, That the above Resolution be Signed by the President of the Senate and Speaker of the Assembly, and be by them trans-

mitted to the Delegates for this State in the Congress of the United States to be laid before that Honorable Body in Order to Obtain the Credit aforesaid.

By Order of the Senate:

PIERRE VAN CORTLANDT,
Pres^{nt}

By Order of the Assembly:

JOHN LANSING, JUN^r,
Speaker.

Resolved, That the Treasurer of the United States be and he is hereby directed to Credit the State of New York with the sum of 25,172⁴¹/₁₀₀ and ¹/₈ Dollars aforesaid as part of that States proportion of Specie required by the Requisition of Sep. 17, 1785, and charge the said State in an Equivelent in old Continental Money agreeable to the Ratio established in the Act of Congress of the 18th March, 1780.¹

¹ This motion, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 67, II, folio 519. The New York legislature's proceedings are on folio 521. According to indorsement the motion was referred to the Board of Treasury to report and report rendered March 7. It was acted on March 10.

MARCH 2: The following committees were appointed:

Mr. [John] Lawrance, Mr. [Henry] Lee and Mr. [James] Monroe, "to report on the rights of Congress over their Members." This committee was discharged April 17, 1786. This was, apparently, a motion, offered this day.

Mr. [Charles] Pinckney, Mr. [Rufus] King and Mr. [John] Lawrance, on "Report of board of treasury of 17 July on Note of St Marbois. do of 8 feb^r on note of Mr. Otto." April 10 this committee was discharged and the papers referred to the Board of Treasury to report.

Mr. [William] Hindman, Mr. [Stephen Mix] Mitchel and Mr. [Arthur] St. Clair, on "mem^b Adam Jamison Loss of his vouchers and settle^t of his acc^t" This committee was discharged August 2, 1787, and "the papers being in hands of Mr. Carrington a new com^{ee} app^d". The memorial, dated February 14, is in No. 41, IV, folio 499. According to Thomson's indorsement it was referred August 2 to a committee and Roger Alden notes that it was acted on September 28, 1787.

Also, a memorial of William Shattuck was this day referred to the Board of Treasury to report. It is in No. 41, IX, folio 375, and was for reimbursement for losses inflicted by the inhabitants of the New Hampshire Grants. It bears George Clinton's certificate and is indorsed by Thomson as read March 2 and by Alden as reported on April 17, 1786.

FRIDAY, MARCH 3, 1786.

Congress assembled. Present, as before.

Mr. Edward Carrington, a delegate for Virginia, attended, and took his seat.

The committee, consisting of Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [William] Grayson, to whom were recommitted sundry papers and documents relative to Commerce, and the acts passed by the States in Consequence of the recommendations of Congress of the 30th April, 1784, report:

That in examining the laws passed by the States, in Consequence of the Act of the 30 April, 1784, they find that four states, namely, Massachusetts, New York, New Jersey and Virginia, have enacted Laws conformable to the recommendations contained in the Act, but have restrained their operation, until the other states shall have substantially complied.

That three States, namely, Connecticut, Pennsylvania and Maryland, have passed laws conforming to the same, but have determined the time from which they are to commence; the first from the time of passing their Act in May, 1785; and the two latter from the 30 April, 1784.

That New Hampshire, by an Act passed the 23 June, 1785, have granted full powers to regulate their trade, by restrictions or duties, for fifteen years, with a proviso that the law shall be suspended until the other states have substantially done the same.

That Rhode Island, by Acts, passed in February and October, 1785, have granted power for the term of twenty five years, to regulate trade between the respective States, and of prohibiting, restraining or regulating, the importation only of all foreign goods in any ships or vessels other than those owned by Citizens of the United States, and navigated by a certain proportion of Citizens; and also with a proviso restrictive of its operation until the other states shall have substantially complied.

That North Carolina, by an Act passed the 2d June, 1784, have granted powers similar to those granted by Rhode Island, relative to foreign commerce, but unrestrained in duration and clogged with

a clause, that when all the states shall have substantially complied there with, it shall become an Article of Confederation and perpetual Union.

That they cannot find that the three other states, namely, Delaware, South Carolina and Georgia, have passed any laws in consequence of the Recommendations. The result is, that four States have fully complied; three others have also complied, but have determined the time of commencement, so that there will be a dissimilarity in the duration of the power granted; that three other states have passed laws in pursuance of the recommendations, but so inconsonant to them, both in letter and spirit, that they cannot be deemed compliances; and that three other States have passed no acts whatever.

That although the powers to be vested by the recommendations, do not embrace every object which may be necessary in a well formed system, yet, as many beneficial effects may be expected from them, the Committee think it the duty of Congress, again to call the attention of the states to this subject, the longer delay of which must be attended with very great evils; whereupon,

Resolved, That the recommendations of the 30 of April, 1784, be again presented to the view of the States of Delaware, South Carolina and Georgia, and that they be most earnestly called upon to grant powers conformable thereto.

Resolved, That the States of New Hampshire, Rhode Island and North Carolina, be solicited to reconsider their Acts, and to make them agreeable to the recommendations of the 30 April, 1784.

Resolved, That the time for which the power under the recommendations of the 30 April, 1784, is to continue, ought to commence on the day that Congress shall begin to exercise it; and that it be recommended to the States of Pennsylvania, Connecticut and Maryland, to amend their Acts accordingly.¹

¹ This report, in broadside form, signed in ms. by Charles Thomson, is in the *Papers of the Continental Congress*, No. 24, 155. See *ante*, February 28.

[Motion of M^r Rufus King]

Ordered, That the Sec^y of congress inform M^r Jay that congress have no objection against his accept^s the Spanish Horse presented to him by his catholic Majesty.¹

[Motion of M^r John Bubenheim Bayard]

Order^d, That the Secretary of Congress inform D^r Franklin that Congress have no objection agst his accepting the picture presented to Him by His most Chⁿ Majesty.²

MONDAY, MARCH 6, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from the State of Maryland, Mr. [William] Hindman.

BOARD OF TREASURY,

March 4th, 1786.

SIR: We do ourselves the Honor of transmitting to you a Copy of the late Resolve of the Assembly of Jersey, concerning the present Requisition of Congress, together with a Copy of his Excellency

¹ This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 219. According to indorsement it was made this day and referred to the Secretary of Congress to take order. A rough draft of this and Bayard's motion of this day, is on folio 221, in King's writing. Jay's letter respecting the horse and various papers respecting the matter are in No. 80, II, folios 169 and 173, and No. 97, folios 128 and 132.

² This motion, in the writing of John Bubenheim Bayard, is in the *Papers of the Continental Congress*, No. 36, III, folio 223. Franklin's letter respecting it is dated September 19, 1785, and is in No. 100, II, folio 260, in transcript form. Bayard's and King's motions were also entered in *Resolve Book* No. 123.

Governor Livingston's Letter to this Board, Explaining the Cause of the Detention of the Express.

We have the Honor to be Sir,
Your Obed^t Humble Servt^s

SAMUEL OSGOOD.
WALTER LIVINGSTON.
ARTHUR LEE

To The Hon^{ble}
NATH^l GORHAM Esq^r
Chairman of a Committee
of Congress.¹

TUESDAY, MARCH 7, 1786.

Congress assembled. Present, as before; and from the State of Connecticut, Mr. [Stephen Mix] Mitchell.

¹ This letter is in the *Papers of the Continental Congress*, No. 140, II, folio 141. According to indorsement it was read, along with the New Jersey proceedings, March 6, and referred to Mr. [William] Grayson, Mr. [John Bubenheim] Bayard, Mr. [Charles] Pinckney, Mr. [Nathaniel] Gorham and Mr. [Stephen Mix] Mitchell. The New Jersey proceedings, dated in the House of Assembly, February 20, declining to comply with the requisition of Congress of September 27, 1785, and giving reasons therefore, are on folio 145. Copy of Livingston's letter is on folio 137. According to Committee Book No. 190, the committee reported March 7.

MARCH 6: On this day, according to indorsement and Committee Book No. 190, a joint resolution of the Senate and Assembly of New York, February 24, 1786, was read and referred to the Board of Treasury to report. It is in the *Papers of the Continental Congress*, No. 67, II, folio 529, and instructs the New York delegates to obtain an extension of time for the settlement of the accounts of New York by William Barber, the Continental Commissioner. It is accompanied by a letter from Governor George Clinton, folio 525. Apparently the New York delegates merely submitted Clinton's letter and the resolution. The Board of Treasury reported March 9.

Also a petition of Cornelius Decker, dated January 12, 1786, from Shawangunk, New York, detailing the difference in dating by a Continental Loan Officer, of his certificate of money loaned and praying protection against consequent loss, was referred to the Board of Treasury to report. Reported May 10, action was taken thereon September 12, 1786. Decker's petition is in No. 42, II, folio 324.

Also, was read a letter of March 2, from John Pierce "respecting Officers who were made prisoners in 1776 and 1777 and continued so till after Oct^r 1780." Pierce's letter is in No. 62, folio 103. It was referred to Mr. [Nathan] Dane, Mr. [Henry] Lee and Mr. [Arthur] St. Clair, who reported March 10 and the report was passed June 30. See *ante*, April 26, 1785, on the memorial of Captains Jesse Grant and Jesse Cook.

On the report of a committee, consisting of Mr. [William] Grayson, Mr. [John Bubenheim] Bayard, Mr. [Charles] Pinckney, Mr. [Nathaniel] Gorham and Mr. [Stephen Mix] Mitchell, to whom was referred a Resolve of the Assembly of New Jersey, touching the requisition of September, 1785.

Resolved, That a committee of Congress be directed to proceed without delay to Trenton, in New Jersey, or any other place where the legislature of that State may be sitting, and represent to them, in the strongest terms, the fatal Consequences that must inevitably result to the said State, as well as to the rest of the Union, from their refusal to comply with the requisition of Congress of September, 1785.

The members chosen, Mr. [Charles] Pinckney, Mr. [Nathaniel] Gorham and Mr. [William] Grayson.

The Board of Treasury to whom was Referred a Motion of the Hon'ble. the Delegates of the State of New York, together with a concurrent Resolution of the Legislature of the said State of the 7th February last, Beg leave to Report:

That the Sum of Twenty one thousand eight hundred and ninety-two Dollars was Appropriated by this Board on the 10th day of November, 1785, out of that proportion of the New Emission Money of the 18th March, 1780, which was Subject to the Orders of the United States. That the Commissioner of the Loan Office of the State of New York has appropriated from time to time out of the above mentioned proportion of the said Monies, the Sum of 3,280¹/₁₀₀ Dollars, for which Sum he is accountable.

That the Legislature of the State of New York by their Act of the 15th June, 1780, in conformity to the Resolves of Congress of the 18th March, 1780, Established adequate Funds for the Redemption of the Monies which became Issuable in pursuance of the said Resolves.

That, it appears from the Certificate of the Treasurer of the State of New York dated 12th July, 1785 (Copy of which is hereunto annexed), that the United States stand Charged by the State of New York, with the Sum of Fifty-six thousand five hundred Dollars, being the whole of the four-tenths of the New Emission Money, Subject to the Orders of the United States, which became Issuable

in the State of New York, in pursuance of the Resolves of the 18th March, 1780.

That a Change of the Credit of Monies paid in pursuance of the above Resolves in any one Instance, will operate as a relinquishment of the Balances due from the several States on that head: And that such Relinquishment is not compatible with the present exhausted State of the Finances, or consistent with that steady adherence to the Execution of the Resolves of Congress, which in the Opinion of this Board, ought to Characterize the Government of the United States, especially in matters relative to the Collection of the General Revenue. That the Amount of the New Emission Money, subject to the Orders of the United States in the several States, exceeds the Sum of Two hundred thousand Dollars; that the Funds established in several States of the Union for the Redemption of the said Money, are now operating so as to render the said Money daily more valuable, especially in the States of Virginia, Maryland, and Pennsylvania.

That several States in the Union have paid into the Public Treasury, a greater proportionate Sum in Paper reduced to Specie Value, in pursuance of the Resolves of the 18th March, 1780, than has been paid by the State of New York. That if a precedent should be Established in one instance of shifting the Credit of such Payments, in the manner proposed by the Hon'ble the Legislature of the said State; other States might with equal propriety make similar Applications, and in consequence, all expectations of payments in Specie on the Requisition of the 27th September, 1785, would be thereby defeated.

From these considerations the Board beg leave to recommend to the Consideration of Congress the following Resolve:

Resolved, That although the United States in Congress are sensible of the Zeal shewn by the State of New York in carrying into execution the Requisition of Congress of the 27th April, 1784, they cannot Agree, that the sum of Twenty-five thousand one hundred and seventy-two Dollars $\frac{6}{100}$ ^{ths} paid by the said State in the New Emission of the 18th March, 1780, into the Treasury of the United States, should be carried to the Credit of the Requisition in Specie of the 27th September, 1785, without departing from that steady adherence

to the Execution of former Requisitions, which is essential to the proper Administration of the Revenues of the United States.¹

MARCH 6th, 1786.

The Board of Treasury to whom was Referred the Memorial of David Phipps, late a Lieutenant in the Continental Navy, Beg leave to Report:

That the Memorialist is possess'd of a Certificate from the Commissioner for Settling Accounts in the Marine Department, for the Sum of 899 Dollars $\frac{1}{90}$ th for the Balance found due him on the 5th June, 1781.

That Congress having by their Requisitions for the Years 1784 and 1785, called upon the several States for sufficient Sums to Discharge the Interest of the National Debt; it would not be adviseable in the Opinion of this Board, to interfere with the General Regulations adopted for this purpose: by making a partial Payment either of Principal or Interest due the said Memorialist.

They therefore Submit to the consideration of Congress the following Resolve:

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 125. It was accompanied by copy of a certificate from the New York Treasurer as to the exchange of old Continental money for the new emission, folio 129. According to Committee Book No. 190, this report was submitted to Congress March 7. See *post*, March 10.

That the Memorial of David Phipps praying for the Payment of the Principal due him on a Certificate Issued to him by the Commissioner of the Marine Department, for his Services in the Continental Navy, cannot be complied with.

MARCH 4th, 1786.¹

WEDNESDAY, MARCH 8, 1786.

Congress assembled. Present as yesterday.

Motion: To instruct the Secretary for Foreign Affairs to Report particularly and specially how far the several States have complied with the Proclamation of Congress of 14 Januy., 1784, and the Recommendation accompanying the same pursuant to the definitive Treaty of Peace between the United States of America and Great Britain.

MARCH 8, 1786: *Ordered*, That the above Motion be referred to the Secretary for Foreign Affairs to take Order.²

OFFICE FOR FOREIGN AFFAIRS,
8th March, 1786.

The Secretary of the United States for the Department of foreign Affairs, to whom was referred his Letter of 28th February enclosing one to him from the british Consul General with two Memorials presented to him one by W^m Hunt, and the other by Richrd Lawrence to report on the *Propriety of the Application*, and the *Expediency of a Reply*, Reports:

That the Cognizance of Consuls being confined to Matters arising within their Consulates respecting the Trade and Navigation of their

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 265. According to indorsement it was read March 7.

MARCH 7: On this day, according to Committee Book No. 190 and Resolve Book No. 123, the letter of resignation from Joseph Borden, dated October 11, 1785, was referred to the Board of Treasury to take order to settle Borden's accounts and receive from him the papers and records of his office. Borden's letter is in No. 78, IV, folio 497. See *ante*, October 24, 1785, and *post*, March 8. This action was in accordance with the recommendation in Thomson's report of this day on the business, which is entered in *Reports of the Secretary of Congress*, No. 180, and there noted as "Passed March 8."

Also, according to indorsement, was read a letter from the Secretary at War, dated March 4, 1786, announcing the resignation of Samuel Shaw as Secretary in the War Office and the appointment of William Knox and John Stagg as under-secretaries, or clerks, the salary of the former Secretary to be divided between them. Knox's letter is in No. 150, I, folio 171. Thomson has indorsed it "To be registered."

² This proceeding is entered by Benjamin Bankson in *Resolve Book*, No. 123. It was recorded by Thomson in Committee Book No. 190.

Nations, with one to whom they are sent, direct or official Applications from them to the Sovereign of the Country, on Subjects foreign to the Objects of their Commissions, would certainly be irregular, and unless under very particular Circumstances improper.

M^r Temple's Letter does not appear to your Secretary to come within the Description of such a direct and official Application. It contains nothing official in Stile, Matter, or Subscription, it is silent as to the Treaty, and makes no Complaint.

Your Secretary views it in no other Light than that of conveying Information respecting Matters in which public Justice may be concerned, and Humanity Certainly is.

In the Judgement of your Secretary therefore, it is not necessary that any Answer should be given by Congress to M^r Temple, nor any Notice taken of these Papers particularly.

But your Secretary thinks, that Policy as well as Justice, demands that Infractions of the Treaty of Peace should not pass unnoticed, especially when the Evidence of them exists in the Laws of either of the States, which, being Matters of Record and of public Notoriety, must be supposed to come officially to the Knowledge of Congress.

Your Secretary apprehends from the Silence which Britain has hitherto observed respecting this Subject, that she is well content these Infractions should remain uncorrected, that they may hereafter serve to justify such Measures as she may wish or find it convenient to pursue, under the Pretext of Retaliation; either by continuing to detain from us our frontier Posts and Countries, or by any other Plans which Resentment or Policy may suggest. Your Secretary takes the Liberty further to remark, that in any such Event France will probably not think herself obliged to fulfil her Guarantee of the Countries acknowledged to be ours by the Treaty of Peace, unless we on our Part fulfil the Terms of that Treaty.

And as it is not to be presumed that these Infractions will never be drawn into Question or Discussion, your Secretary thinks it would redound more to the Honor as well as Advantage of the United States, to do Justice while unpressed, than at a Season when every Thing they may do of that Kind, may be imputed to less meritorious Motives.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.¹

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 53. According to indorsement it was read March 8.

The Committee consisting of Mr. [Nathan] Dane, Mr. [William] Grayson, Mr. [Stephen Mix] Mitchel, Mr. [James] Monroe and Mr. [John] Kean to whom was referred the motion of Mr. Dane of Feb^r 27, 1786, report:

That they have carefully attended to the several matters referred to them, and on examining the doings of Congress and the several States relative thereto, find, that Congress, at an early period in the affairs of the Union, having no federal rule for apportioning taxes and the common charges of the Confederacy on the respective States, established by them, adopted as the only one in their power, in any degree practicable, the number of Inhabitants in each State, with some small variations, that the necessities and wants of the late war rendered indispensable.

When the articles of Confederation and perpetual union between the States came under their examination, and the consideration of Congress; and particularly the 8th article of it, the inequalities and difficulties that would attend the carrying of it into effect, were foreseen by several of the States, and therefore this part of the federal Compact was, then, in a peculiar manner, objected to. These difficulties then but imperfectly foreseen and stated have, by many years experience, been sufficiently realized and fully demonstrated; for Notwithstanding 5 years have elapsed since this compact was finally ratified; and Notwithstanding the earnest Recommendation of Congress to the several States, passed more than three years ago, to make and transmit to the United States in Congress, an accurate, and Just account of the quantity of land in each State, with the buildings and improvements thereon, according to the tenor of that article; yet, not a single State in the Union has, in any degree, complied therewith, and transmitted such account; unless an unauthenticated account transmitted by the State of New Hampshire of the houses, other buildings and lands in that State, a part whereof was imperfectly formed ~~from conjecture~~ can be considered a compliance. But about the same time, that Congress, lest no other federal rule of apportionment should be adopted by the States, recommended the carrying that article into execution, Congress appears to have been aware of the impracticability in some degree of its execution, and the inequality of its operation; for the U. States in Congress assembled on the 18th of April, 1783, after mature deliberation, and examining the subject in its full extent, almost unanimously agreed to propose to the States an alteration of that article; and instead of the rule of

apportionment therein prescribed, to adopt the rule, then proposed, of supplying the common Treasury in proportion to the number of white and other free Citizens and inhabitants, and three fifths of all other persons, Indians not paying taxes excepted, as a more convenient and certain rule of ascertaining the proportion to be supplied by the respective States; to be triennially taken in such mode as Congress should direct and appoint.

The reasons that induced the federal Government, at the time, to recommend this constitutional alteration of the Confederacy, the Justice, propriety, and expediency of the change, are fully and largely stated to the several Legislatures in the address of Congress to them of the same month of April; to which Congress again ought, in the opinion of this Committee, in the most pressing manner to call their earliest attention.

In examining the several laws passed by the States in pursuance of the above recommendation, the Committee find, that a majority of the States, and a great proportion of the whole confederacy, have readily and fully approved of the proposed alteration of that article of the federal Government; that nine States, including ~~the largest in the Union~~ have Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina, have, by their legislative acts, passed in pursuance of said recommendation, fully complied with it, and authorised the respective Delegates in Congress to ratify the alteration proposed. But they do not find that the other States have passed any laws, or taken any measures on the subject; nor do they find that any well founded exceptions or any particular objection has been made by those States, to the plan proposed; it is to be observed that the power of appointing in what mode the number of Inhabitants in each State, shall be so ascertained and transmitted, is vested in the federal Government, by the act of Congress and those laws passed by several States and it is thereby the duty of that Government to direct the same; But it does not appear that Congress has taken any measures for that purpose; or that any State has so taken and transmitted the number of its inhabitants in consequence of that recommendation. In February and March, 1782, March, 1783, and November, 1784, it appears the States of Rhode Island, Connecticut, New Jersey, and Maryland, returned to Congress the number of their inhabitants, respectively, distinguishing white from black; but as these returns are not founded on the principles of the said Recommendation, nor

in any degree preserve the principal and material distinctions therein prescribed, the Committee are of opinion they cannot be considered as a substantial compliance with it. Notwithstanding some known and established rule of apportioning the Common Charges of the Union on the individual States, hath been for several years is, and ever must be, so necessary for the preservation of Justice and peace among them yet no such rule has ever been established; necessity hitherto hath constrained and yet obliges the United States in Congress to adopt as the rule of apportionment, the number of inhabitants in each State of which they have had but very imperfect accounts.

In this situation of this subject, after so many exertions in Congress to effect some mode by which the Common burdens of the Confederacy may be equally borne, and the ruinous consequences of injustice and inequality avoided and all, as yet, to no effectual purpose, the Committee are induced again to examine why no efficient measures have been pursued by the respective States to effect an object so desirable; since this subject has been under their consideration, so many years, they do not find that any State in the Union has ever had in contemplation any other mode, by which to assess the States, except the one contained in said article, and the one contained in the proposed amendment of it; but, on the contrary, have uniformly fixed their attention on these, as the only plans Just and practicable, even in theory—nor can the Committee entertain a thought, that the establishment of some Just rule, in this Case, is not the wish of every State in the union; for, in their present situation, no state is secure from the oppression of the rest, and the very being of the Confederacy must be endangered by the injustice, the inequalities, the sure consequences of that situation. It must be, therefore, from a division of sentiments between the two propositions before the several States; from the difficulties and apparent impracticability of executing the former, and some exceptions, not well founded, to the adoption of the latter. But in addition to what hath been heretofore suggested in the comparative examination of those propositions, the mode of apportionment prescribed in the said 8th article as it now stands and the mode prescribed in the proposed alteration of it, repeated investigations of their principles and effects; and the known sentiments of the States respecting them, furnish new arguments in favor of the proposed alteration. For when it is considered how uncertain and fluctuating the value of real

property in the several States is; how variant their rules and opinions in ascertaining it; how often, to preserve equality, it may be necessary to form new estimates; how tedious and expensive it will be to ascertain the quantity and value of near all the real property of an extensive Country; to how little effect it has been urged and attempted for years past, and how many States, by adopting the alteration recommended, have relinquished the other plan, the carrying into execution the said article in its present form, it is reasonably to be hoped, that the other States will soon adopt the alteration also. That article, in its present form, is not only, in the opinion of the Committee, in some degree impracticable in its execution, but even the value of the property therein mentioned, will not give a rule of apportionment, against which very substantial and well founded objections will not lay. It is a well established position that the ability of a State to bear public burdens is in proportion to the whole property of it, and the means in the power of her Citizens to acquire property; and this, if practicable, ought to be the rule; but this would combine too many objects, indefinite in their nature, and extent to be capable of being put in practice. The real property of a State constitutes but a part of its wealth, and the property, means, and acquisitions of numbers, concerned in trade, manufactures &c. are not brought into view in fixing the rule for assessing the States on that article of the Confederation; nor is there always a due proportion between the value and profits of real estates; but a rule, in this case, perfectly equal is not to be expected. In States situated like these, where the Citizens acquire, hold, transfer, and divide property by laws nearly similar the probability is, that their abilities will ever be near in proportion to numbers; this is an observation not merely founded in theory, but it is supported by the experience of mankind; and the Committee think they are right in this question, that a federal tax apportioned on the States according to the amendment in the Confederation proposed, will be the most Just and most equal; but further it is to be considered, that the number of Inhabitants in each State is easily ascertained, and with little expence; and in doing it, there is no occasion for States, or for men concerned, to call into exercise an interested discretion or biassed Judgment, and thereby to excite Jealousies and suspicions, fatal in the end, of partial and unfair conduct in each other. But the value of lands and their improvements are rather matters of opinion, and men will not, probably rate them so much according to truth, as to certain rules

they have been accustomed to in fixing, from time to time, this value. An interested discretion must decide on questions on which the existence of the Union may depend. It can require but little discernment to foresee that the Judgment of men will be biassed continually by interest and local connexions, and such are their dispositions, that States will, on every occasion, suspect each other of partiality; the consequence of which will be, differences, disputes, and animosities among them.

The Committee have carefully attended to some objections to the proposed alteration, said to prevail in some of the States—that it must operate unequally, and to the disadvantage of some particular States; and that the taking of three-fifths of all other persons therein mentioned is not bringing a sufficient number of that Class of people into the estimate; but they do not find that those objections are founded on any particular calculations or documents. As to the last objection, it may be observed, that there is no possible rule by which the acquisitions and abilities of freemen can be accurately compared with that of persons who are in a State of servitude; but few can doubt, that the acquisitions and abilities of freemen, capable of directing their own conduct, and moved to exertions by motives founded on their own immediate interest, are much superior to those of Slaves, whose actions have no other Spring than the interest and directions of a master; but on a question so uncertain, and not very extensive in its effects, it is to be ardently wished that a disposition to make mutual concessions will be continued and promoted through all the States so intimately concerned in one great and one Common Interest; and as to the objections, that the proposed substitute will have a more unequal effect than the present federal rule, is, in the opinion of the Committee, a matter very questionable; or that it will operate to the disadvantage of some States, is a point by no means established. As there is no rule in this Case by which federal taxes can be assessed, and but little probability the States will put in operation the one in the Confederation, in its present form, but may soon be induced to adopt the proposed alteration, the Committee are of opinion, that the States, which have not acceded to that alteration be again earnestly called upon to do it; and that it be recommended to all the States immediately to take effectual measures for ascertaining and transmitting to the United States in Congress assembled the number of Inhabitants in each State, making the proper distinctions and lest that alteration shall not finally be adopted,

and Congress shall be constrained to carry into operation the federal, rule of apportionment heretofore acceded to by the several States] that it be also again recommended to the States to pursue effectual measures for obtaining the object of the resolve of February 17, 1783, relative to this subject; for, however exceptionable the federal rule in this Case may be in its present form as to its execution and effects, yet, it is the only one acceded to by the States, and if no other rule can be agreed to by them, the Common charges of the union must, and ought to be, apportioned on it and if the several States do not very speedily transmit to Congress the proper materials whereon to form a federal rule of apportionment it will become the indispensable duty of Congress to execute the rule of the Confederation in the best manner in their power, and when they have so done they must stand excused from any injustice or inequality that may take place. Therefore the Committee submit the following resolves:

Resolved, That it be earnestly recommended to the Legislature of the States of New Hampshire, Rhode Island, and Providence plantations, ~~Delaware~~ South Carolina, and Georgia, to take into their immediate consideration the said recommendation of Congress of April 18, 1783, so far as it respects the alteration of the eighth of the articles of Confederation and perpetual union between the States, and to authorise their Delegates, respectively in Congress, to subscribe and ratify the proposed alteration of it.

Resolved, That it be recommended to the Legislatures of the several States immediately to pass laws, and to take the most effectual measures for ascertaining and transmitting to the United States in Congress assembled on or before the first day of July next, the number of white and other free inhabitants of every age, sex, and condition, in their respective States, including those bound to servitude for terms of years, and the number of all other persons not comprehended in the foregoing description except Indians not paying taxes in each State, and for ascertaining and transmitting the like number in like manner triennially forever hereafter.

Resolved, That it be again recommended to the Legislatures of the several States to take into their consideration the said Resolve of

Congress of February the 17th, 1783, and to adopt effectual measures for obtaining the objects thereof as soon as maybe.¹

THURSDAY, MARCH 9, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from the state of Maryland, Mr. [William] Hindman.²

FRIDAY, MARCH 10, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia and

¹ This report, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 24, folio 145. According to indorsement it was read March 8 and "friday next assigned." A printed copy of this report, preceded by Dane's motion, is on folio 153. It is indorsed "this day assigned."

MARCH 8: On this day, according to indorsement, was read a letter from the Board of Treasury, of March 4, forwarding the Quarterly Accounts of receipts and expenditures from October 1 to December 31, 1786, and Abstracts of the state of the Treasury for January and February, 1787. The Board's letter is in No. 140, II, folio 395, and a copy of the Quarterly Accounts is in the *Book of Estimates*, No. 12, folio 113.

Also was passed the report of Thomson on the resignation of Joseph Borden. See *ante*, March 7.

² MARCH 9: The following committees were appointed:

Mr. [Charles] Pinckney, Mr. [Rufus] King and Mr. [John] Lawrance, on "Report of Sec^y for foreign Aff^s on Motion of Mr. Pinckney." This committee was discharged April 10. Pinckney's motion was offered March 1.

Mr. [Arthur] St. Clair, Mr. [Henry] Lee and Mr. [John] Lawrance, on "Report of Sec^y at War on Courts Martial." A report was rendered March 30. This was the report read October 27, 1785.

Also the petition and accounts of Caleb Bryan Bruen praying compensation for expense and services during the war, were referred to the Secretary at War to report, which he did April 5. Bruen's petition is in No. 42, I, folio 381, with collateral papers on folios 356-379. According to indorsement Congress took action in the matter September 7, 1786.

Committee Book No. 190.

Also, according to indorsement, was read the report of the Board of Treasury, dated March 8, on the concurrent resolution of the New York legislature of February 24. It will be found spread upon the Journals, verbatim, March 10.

South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Maryland, Mr. [William] Hindman.

The board of treasury, to whom was referred on the 6th instant, a concurrent Resolution of the honorable the Senate and Assembly of the State of New York, dated 24th of February last, instructing the delegates of the said State to request of the United States in Congress, an extension of time to the commissioner for adjusting accounts within the said State, beyond the period fixed by the Resolve of Congress of 17 March, 1785, having reported,

That although the Commissioners in the several states are precluded from receiving any individual claims after the 17 March instant, they may, consistently with the said resolve, complete the liquidation of all such accounts, as may be deposited in their respective Offices previous to that day. That such claims in the several states as are not delivered in at the Offices of the different commissioners at the period fixed by the Resolve of Congress of the 17th March, 1785, may still be adjusted at the treasury Office of the United States; and that from the present establishment of that Office in this city, the Citizens of the state of New York are in a more favourable situation for adjusting their claims against the Union, than the Inhabitants of Other states. That it is of the highest national concern that the accounts of the several states with the United States, should be brought to a speedy and final adjustment, that the time of the Commissioners of public accounts has been hitherto so engrossed in the liquidation of individual claims, that little or no progress has been made in this important Object. That under these circumstances, the board of treasury submit to the consideration of Congress the following resolve, viz. That the Application of the honourable the Senate and Assembly of the state of New York, praying that the time fixed for receiving and adjusting individual claims within the said state, by the commissioner of public accounts, may be extended to the first of November next, cannot be complied with, without establishing a precedent, which would render the final adjustment of such claims so indefinite, as to be injurious to the general Interest of the Union”¹

¹ The report of the Board, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 119. According to indorsement it was read March 9.

On the question to agree to the said report, the yeas and nays being required by Mr. [John] Lawrance,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Long,	ay}	*	Mr. Bayard,	ay}
<i>Massachusetts,</i>			St. Clair,	ay}
Mr. King,	ay}		<i>Maryland,</i>	
Dane,	ay}	ay	Mr. Hindman,	no}
<i>Connecticut,</i>			<i>Virginia,</i>	
Mr. Johnson,	ay}		Mr. Monroe,	no}
Mitchell,	ay}	ay	Lee,	ay}
<i>New York,</i>			Carrington,	no}
Mr. Platt,	no}		<i>South Carolina,</i>	
Lawrance,	no}	no	Mr. Ramsay,	ay}
<i>New Jersey,</i>			Kean,	ay}
Mr. Symmes,	ay}			
Hornblower,	ay}	ay		

So the question was lost.

OFFICE FOR FOREIGN AFFAIRS,
9th March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Treaty lately concluded with Prussia, and transmitted with a Joint Letter from M^r Adams and M^r Jefferson, Reports:

That on considering the several Articles in the said Treaty, he observes that each Party is to enjoy in the Dominions of the other the same Rights and Privileges as to Commerce &c. as are or shall be granted to the most favored Nation.

On this Point your Secretary adheres to the same Opinion which he heretofore communicated to Congress in his Report of 17th May last, on the Draft of a Treaty of Amity and Commerce transmitted by the American Ministers. He also thinks that much of the reasoning in that Report applies to certain other Articles in the Treaty under consideration.

Your Secretary suspects that the following Article is a little equivocal viz^t: "more especially each Party shall have a Right to carry their own Produce, Manufactures, and Merchandize in their own or any other Vessels, to any Parts of the Dominions of the other, where, it shall be lawful for all the subjects or Citizens of that other freely

to purchase them; and thence to take the Produce, Manufactures and Merchandize of the other which all the said Citizens or Subjects shall in like Manner be free to sell them paying &c^{ca}”

Altho' the meaning of this Article appears obvious, yet it might perhaps be construed to imply that there are or will be certain free Ports; where every Thing brought by or belonging to either Party may be freely sold and bought, in Contradistinction to other Ports and Places in the same Dominion where such Liberty is not allowed. The Intention of the Article doubtless is that such Liberty is to be enjoyed at every Port and Place.

The latter part of the 10 Article is not quite reciprocal, viz.

“And where on the Death of any Person holding real Estate within the Territories of the one Party, such real Estate would by the Laws of the Land descended on a Citizen or Subject of the other, were he not disqualified by Alienage, such Subject shall be allowed a reasonable Time to sell the same and to withdraw the Proceeds without Molestation &c.; But this Article shall not derogate in any Manner from the Force of the Laws already published or hereafter to be published by the King of Prussia to prevent the Emigrations of his Subjects.”

This latter Clause reserves to the King of Prussia the Right of making Laws to prevent Emigrations, but does not so limit the Extent of those Laws, as that they shall not operate against the Right to sell &c. granted in the preceding one; for instead of saying that such Laws shall not derogate in any Manner from the true Intent and Meaning of this Article, it says that this Article shall not derogate in any Manner from the Force of his Laws &c^{ca}. Besides the like right is not reserved to the United States.

Upon the whole Matter, and particularly considering that the Duration of this Treaty is limited to ten Years, your Secretary thinks that it will be prudent and best to ratify it.

A Year from the day of the Signature is allowed for the Exchange of Ratifications. It appears to have been signed by Baron Thulemeir 10 September, 1785; M^r Adams 5 August, 1785; Doc^t Franklin 9 July, 1785; M^r Jefferson 28 July, 1785.

This Term of a Year is doubtless to be computed from 10 September last, for as the Prussian Minister appears to have signed it last, and

it was not until then compleat, there can be no Room for the Questions that might have otherwise arisen on the subject.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.¹

MONDAY, MARCH 13, 1786.

Congress assembled. Present as before²

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 57. According to indorsement it was read this day and referred back to the Secretary for Foreign Affairs to report the form of a ratification of said treaty. According to Committee Book No. 190, he reported March 16.

MARCH 10: On this day, according to indorsement, was read the report of the committee of March 6, on John Pierce's letter of March 2. "Thursday, March 16, 1786, assigned for consideration postponed; passed 30 June, 1786," where it is spread verbatim on the Journal. The report, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 28, folio 123.

Also, according to Committee Book No. 190, a Grand Committee was this day appointed, consisting of Mr. [Pierse] Long, Mr. [Nathan] Dane, Mr. [William Samuel] Johnson, Mr. [Melancton] Smith, Mr. [Josiah] Hornblower, Mr. [John Bubenheim] Bayard, Mr. [William] Hindman, Mr. [James] Monroe and Mr. [Charles] Pinckney, on a "Motion of Mr. Monroe and motion of 12 Oct. 1785, which was referred to a former gr. com.^o To meet in the congress chamber To morrow at 10 o'clock." The committee appointed October 12, 1785, was this day discharged and this new Grand Committee reported March 24. The business related to the cessions of Western lands.

² On this day, according to indorsement, a memorial from Samuel Fraunces was read, praying payment of interest on a Loan Office certificate. It is in No. 41, III, folio 330, and was referred to the Board of Treasury to report. According to Committee Book No. 190, a report was rendered March 22.

Also, according to indorsement, was read a letter from Governor William Livingston, informing that New Jersey had taken no action respecting Congress' recommendation of June 7, 1785, as to Invalids. The letter, dated March 6, is in No. 68, folio 667.

Also, a letter of this date from the Board of Treasury was read, forwarding copy of a letter from John White, Commissioner of Accounts for Maryland, respecting the recommendations of Congress "on the Subject of the Impost." It is in No. 140, II, folio 169; White's letter is on folio 165.

TUESDAY, MARCH 14, 1786.

Congress assembled. Present, as before.

A letter. of the 13 from the board of treasury, was read;

BOARD OF TREASURY,

March 13th, 1786.

SIR: We esteem it our duty to inform Congress, that the Commissioner of the Loan Office of the State of New York has declined taking the Oath, of which we do ourselves the honor of transmitting a Copy as per No. 1. The Form of this Oath was delivered to us by the Secretary of Congress, when we entered on the Duties of our Appointment: We of course considered it as the Oath of Office; and not only complied with it ourselves, but transmitted it as such to the Commissioners of the Loan Offices in the respective States, by whom (except in the present instance) no objection to a compliance has been made.

On a mature consideration of the nature of the Trust reposed in the Loan Officers by the Ordinance of Congress of the 27th September last, and the Duties required of them by the late Requisition of Congress; we think an Oath to keep Secret such Papers in the respective Loan Offices, as in the opinion of this Board are improper to be communicated, is essentially necessary. Without it, the views of Congress with respect to the Certifying of Interest to Foreigners, as well as to the Citizens, and the indiscriminate Payment of Indents of Interest in all Continental Taxes throughout the Union, may be altogether defeated. The force of this Observation will be best felt, by a perusal of the General Instructions agreed on by this Board, for the Government of the several Commissioners of the Loan Office, Copy of which we do ourselves the honor of Enclosing, N^o 2. Should the Form of the Oath delivered by us to the Secretary of Congress, be deemed as Official in this Department, we beg leave to suggest the propriety of expressing the Sense of Congress on this Subject, in such a manner as may preclude any further discussions on this Account, betwixt this Board and the subordinate Officers.

A Copy of the Oath which the Commissioner of the Loan Office of the State of New York has taken, is herewith enclosed as per N^o 3. It materially differs from the usual Form, not only by an Omission of the Oath of Secrecy, where the same is enjoined, but in rendering the Judgment of the Officer, instead of the Resolves of Congress, and the Instructions of this Board, the Rule of his Conduct;—We cannot

therefore, think ourselves Warranted in admitting a deviation from the Form, which the other officers have complied with, without the express Directions of the United States in Congress.

We have the honor etc.¹

Whereupon, on motion of Mr. [Rufus] King, seconded by Mr. [John] Kean,

Resolved, That in all cases where an Oath of office is required of any person holding an Office under the United States in Congress assembled, such oath be in the form of the Oath of Office established in the Ordinance for ascertaining the powers and duties of the Secretary at War, passed the 27th day of January, 1785, *mutatis mutandis*.

OFFICE FOR FOREIGN AFFAIRS,
14th March, 1786.

The Secretary of the United States for the Department of foreign Affairs in Obedience to the Orders of Congress reports the following Form for ratifying on their part, the Treaty of Amity and Commerce lately concluded by their Plenipotentiaries with the King of Prussia, viz!:

The United States of America in Congress Assembled to all to whom these Presents shall come, Greeting:

Whereas "a Treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America" was concluded and signed by the Plenipotentiaries of the United States and by the Plenipotentiary of his said Majesty duly and respectively authorized for that purpose, at the Places of their respective Residence, and at the Dates expressed under their several Signatures, which said Treaty written both in the American and French Languages is in the Words following viz!—

(to be Copied in two Columns exactly like the Original)

Now Know Ye that we the said United States in Congress Assembled having considered and approved do hereby ratify and

¹ This letter, signed by Samuel Osgood, Walter Livingston and Arthur Lee is in the *Papers of the Continental Congress*, No. 140, II, folio 149. According to indorsement it was read this day. A copy of the oath, No. 1, is on folio 157; the Instructions, No. 2, on 153, and the oath taken by Abraham Yates, Jr., No. 3, on 161.

confirm the said Treaty and every Article and Clause therein contained.

In Testimony whereof we have caused our Seal to be hereunto affixed. Witness the Honorable Nathaniel Gorham, Esquire our Chairman in the Absence of his Excellency John Hancock, Esquire, our President, this seventeenth Day of May in the Year of our Lord one thousand seven hundred and eighty-six, and of our Independence and Sovereignty the tenth.

JOHN JAY.¹

WEDNESDAY & THURSDAY, MARCH 15 & 16, 1786.

Congress assembled. Present, as before.²

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 61. According to indorsement it was read March 16 and passed May 17, 1786.

On this day, according to indorsement, was read a petition of Constant Freeman, Jr., praying payment of a bill from "certain American officers who were prisoners in Quebec." It was referred to the Board of Treasury to report and report rendered October 30. Freeman's petition is in No. 42, III, folio 143.

² MARCH 15: The following committee was appointed:

Mr. [Arthur] St. Clair, Mr. [William Samuel] Johnson and Mr. [John Bubeuheim] Bayard, on "Petition of Sundries in & near Pitsburg respect^s Salt." There were three petitions from inhabitants living on the west side of the Allegheny Mountains, praying support from Congress for a company formed to extract salt from salt springs. "Discharged March 21, the business being already reported on." The petitions are in No. 42, VI, folios 347-357 and one of them is indorsed by Roger Alden: "See Report on mem^l of W^m Irvine &c. Sep^t 13th 1785, respecting salt works."

Committee Book No. 190.

MARCH 16: On this day, was read a letter from the Secretary at War, dated March 15, giving the substance of letters received from Captain John Doughty and Major John P. Wyllys on the western frontier. Doughty's information was concerning the Shawnese and his troops; Wyllys' reported the infliction of the death penalty for desertion. Knox's letter is in No. 150, I, folio 175; it was referred back to him to report, which he did March 21.

Also, according to Committee Book No. 190, the Committee of July 20, 1785, on the reduction of the civil list, a motion of David Howell, salary of the secretary of the Board of Treasury etc., was this day renewed as Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [Stephen Mix] Mitchell and Mr. [William] Hindman; to it was referred the letter of the Board of Treasury of March 24 and this committee was again renewed July 19, 1786. Committee Book No. 189 notes that Joseph Nourse's application for an increase in salary, which was one of the matters under consideration by the committee; "That it be referred to the consideration of next C"[ommittee?].

FRIDAY, MARCH 17, 1786.

Six states assembled; namely, Massachusetts, Connecticut, New York, New Jersey, Virginia and South Carolina; and from the state of New Hampshire, Mr. [Pierse] Long; from Pennsylvania, Mr. [Arthur] St. Clair, and from Maryland, Mr. [William] Hindman.

OFFICE OF SECRETARY OF CONGRESS,
March 17, 1786.

On the petition of Henry Glen, stating that as Agent for the Com^{rs} of Indian Affairs in the northern department he performed services and Advanced considerable sums of money his accounts for which are not finally adjusted or settled and praying that William Barber Com^r for the State of New York may be permitted to settle his Acc^{ts} and issue a certificate for the balance as from several circumstances his certificates are of more immediate value than those issued by the board of treasury

The Secretary of Congress reports that the Petition of Henry Glen
Passed March 20 be referred to the board of treasury.

On the memorial of James McDowell of Ulster County in the State of New York, stating that the British and German troops on their march from Boston to Virginia, stopped at his house and that for their Accommodation, his house and barn was taken by Authority and filled with those troops; that notwithstanding his remonstrances fires were made near his barn by means whereof his barn, hay, grain and many valuable effects were set on fire and destroyed and he thereby reduced to great distress and praying for a compensation

The Secretary of Congress reports:

That in the Act of the 3^d June, 1784, Congress have declared "That according to the law and usages of Nations a State is not obliged to make compensation for damages done to its citizens by an army or wantonly and unauthorized 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 State to which they belong, it be referred to the several States, at their own expence, to grant some relief to their citizens who have been injured as aforesaid, as they may think requisite." For which reason the Sec^y further reports that the memorialist have leave to withdraw his memorial and that he be

informed his application ought to be made to the State of which he
Passed March 20 is a citizen.¹

SATURDAY, MARCH 18, 1786.

Four states assembled; namely, Massachusetts, Connecticut, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long; from New York, Mr. [Zephaniah] Platt; from New Jersey, Mr. [John Cleves] Symmes; from Pennsylvania, Mr. [Arthur] St. Clair, and from Maryland, Mr. [William] Hindman.

MONDAY, MARCH 20, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Virginia, and South Carolina; and from the State of Pennsylvania, Mr. [Arthur] St. Clair, and from Maryland, Mr. [William] Hindman.²

¹ This report is in *Reports of the Secretary of Congress*, No. 180.

² MARCH 20: The following committee was appointed: Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Arthur] St. Clair, on a petition, dated December 27, 1785, of Turnbull, Marmie & Co. of Philadelphia, for themselves and Craig, Bayard & Co. of Pittsburg, to obtain possession of Fort Pitt, which they claimed to have purchased. A report was rendered March 24. The petition is in No. 42, VII, folio 471, and Roger Alden has indorsed thereon: "See Rep^t Sec^y at War May, 1785, on application of W^m Duer."

Also, a petition of H. Glen "that Mr. Barber may settle his Accounts" was, this day referred to the Board of Treasury. See *ante*, March 17.

Also, the letter of March 16, from the Secretary at War, "relative to an offer of Virginia of preemption of mil. stores," was read and referred back to the Secretary to report. Knox's letter is in No. 150, I, folio 187 and the letter offering the stores, which were at Fort Nelson, Falls of the Ohio, for sale to the United States, together with an invoice of said stores, are on folios 185 and 191, respectively. A report was rendered April 12, 1786.

Also, a petition from Return Jonathan Meigs, praying the payment of interest was referred to the Board of Treasury to report and a report rendered August 8.

Committee Book No. 190.

Also, on this day according to Committee Book No. 189, the report of the Secretary at War on regulations for government of the Militia, was entered and action taken on April 4. Knox's Plan was submitted in a letter dated March 18 and, in the form of a 34 pp. pamphlet, 12^o, is in the *Papers of the Continental Congress*, Broad-sides.

TUESDAY, MARCH 21, 1786.

Congress assembled. Present, as yesterday.¹WAR OFFICE, *March 20th, 1786.*

The Secretary of the United States for the department of war to whom was referred the memorial of Captain Daniel Baldwin, Reports,

That it appears from several papers accompanying the petition that Brigadier General Dayton and Col. Ogden were commissioned by his Excellency the late Commander in Chief to employ suitable persons to obtain intelligence from within the enemy's lines.

That in consequence of this commission, they employed Cap^t Daniel Baldwin, and stationed him at Newark in order to receive and forward, any information which he might obtain.

That he industriously and faithfully executed the trust reposed in him, from July, 1781, to January, 1783. That during the said period, he not only expended considerable sums of his own money, but he was at the charge of subsisting himself servant and horse, for which he has never been compensated.

That Cap^t Baldwin has exhibited an account, wherein he states the expences of himself, servant, and horse to have amounted to 473²/₁₀ dollars; and his actual disbursements for public service at 170³/₁₀ dollars; the whole being 643⁵/₁₀ dollars. Certificates and receipts are produced for 121 dollars of the sums expended for public service.

Besides the above sums a general charge is made, for services rendered during the above period, but without any sum being annexed.

On this statement your Secretary observes, that Cap^t Baldwin by his situation and conduct on the lines, was usefully employed in obtaining the earliest information of the State of the enemy and their designs.

That after having lost his leg, in the service of his country, his zeal still prompted him to continue his endeavours to promote its interests.

That it appears equitable, that he should be reimbursed the actual advances made for the public service, and that a further sum should

¹ On this day, according to Committee Book No. 190, Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [James] Monroe, Mr. [Stephen Mix] Mitchell and Mr. [Nathanle] Gorham were appointed "To prepare and report an Ordinance for the Regulation of trade with the Indians." This committee was discharged June 6.

be advanced him on account of his expences; on this principle the following resolve is submitted.

Resolved, That the sum of _____ be paid, by the board of treasury, to the late Captain Daniel Baldwin, to reimburse him his expences and advances for public service, from July, 1781, to January, 1783.

All of which is submitted to Congress.

H. KNOX.¹

The Secretary of war to whom was referred certain letters from Major John Palsgrave Wyllys to the said Secretary, Reports,

That it appears by a letter of Major John Palsgrave Wyllys to the subscriber dated Fort McIntosh 23 January, 1786, "That the frequent desertions at that Fort undoubtedly required some immediate remedy. That in his opinion capital punishment is absolutely necessary for that purpose. That he was so far convinced of its utility in the present instance that he had ventured to approve of the sentence of a court martial. That he sincerely wishes that the necessity of his situation may not render it his duty to put the sentence into execution before any orders can arrive from the War Office should that unhappily be the case (and nothing but that can induce him to deviate from the Articles of War) that necessity must justify him."

The court martial to which the above letter alludes was composed of five members, Captain John F. Hamtramck, president and the proceedings contain the following sentiments:

"The court after passing the sentences would wish to remind the commanding officer of the very great imposition the public have received from persons entering into their service with no other intention than to defraud them, that the number of sixty-nine men have deserted from the companies present since their recruiting command (as appears from the different returns) therefore think themselves fully justifiable in urging an immediate example."

In another letter from Major Wyllys to the subscriber dated Fort McIntosh 13 February, 1786, He says "That two days after his last of the 23^d January notwithstanding the proceedings of the court martial were published and the prisoners were in irons before their eyes, three men of Captain Strong's company deserted. A party was

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 149. According to indorsement it was read March 21 and referred the Board of Treasury to report. According to Committee Book No. 190 the Board reported April 24. See *ante*, January 26.

sent after them; after a long pursuit they were taken and brought back to the garrison. He ordered them immediately to be put to death, which was done. No desertions have happened since & he thinks this instance of severity, will probably preclude the necessity of executing the deserters now in confinement. He is fully convinced that nothing but such exemplary punishment could produce the desired effect and he hopes his conduct in the affair merits the approbation of the subscriber."

On this statement made by Major Wyllys and the court martial your Secretary observes, That the existing articles of war for the government of the troops of the United States, are the only laws, by which all descriptions of men, composing said Troops, are to be tried, and adjudged for military crimes.

That the said articles direct, that all capital crimes, shall be tried by a general court martial, consisting of thirteen members, and that the sentences thereof, extending to the loss of life, shall require the approbation of Congress, the commander in chief or general commanding in a separate department.

That by the articles of war, desertion is deemed a capital crime, and the punishment accordingly is death.

That the small number of troops at present in the service of the United States, and their dispersed situation, render it difficult, and almost impossible to form a general court martial, of the numbers required by the articles of war; therefore desertion and other capital crimes may be committed without its being practicable to inflict legally the highest degree of punishment provided by the laws.

That thus circumstanced a commanding officer cannot be responsible for the injuries the public may suffer from the commission of capital crimes by the troops under his command. He can only attempt to check the disorders by the milder species of punishment which the laws allow him to exercise, but he cannot inflict the capital punishment of death for desertion contrary to the established forms. To supersede the laws in this respect is to assume the sovereignty and annul the compact, which the public have made with their troops, that they shall be governed by the rules and articles of war. By the before recited letter from Major Wyllys of the 11th of February it appears that he has in a manner unauthorized by the articles of war, ordered three soldiers of the troops of the United States to be put to death for desertion. The said letter does not state that any court martial was convened on the occasion; but it is hardly probable that

he would have ventured on a measure of such importance unless the officers of the garrison examined formally or otherwise the circumstances respecting the desertion of the prisoners, or at least supported him with their opinion of the necessity of an immediate punishment.

Your secretary is of opinion that the dignity and justice of the United States require that a full investigation of all the circumstances attending this transaction should be made immediately in order that Congress may ground thereon their ultimate determination respecting the same.

He therefore submits to Congress the propriety of constituting a court of Inquiry to consist of two field officers and a captain of the regiment of the United States who were not of the garrison of fort McIntosh at the time of the before mentioned event and that they report to the subscriber a state of facts only, in order to be presented to Congress.

That in the mean time and until the further order of Congress, That Major John Palsgrave Wylls be suspended from all command in the troops of the United States.

He further observes that as the articles of war do not take cognizance of transactions of this nature it is his opinion a suspension would be more proper than an arrest as the latter would imply a trial by a court martial which cannot be the case.

Your secretary conceives that the ordinance of Congress establishing the powers and duty of the Secretary at War invests him with the efficient powers of commander in chief; therefore he shall direct the two men now in confinement under sentence of death at Fort McIntosh be released, their trial having been illegal. If he is wrong in his opinion he humbly requests that Congress would have the goodness to rectify his error.

All of which is submitted to Congress.

H KNOX.

WAR OFFICE,

March 21st 1786.¹

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 153. According to indorsement it was read this day and "Thursday 23 assigned for Consideration." Acted on March 27.

WEDNESDAY, MARCH 22, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia and South Carolina; and from Maryland, Mr. [William] Hindman.

Mr. James Wilson, a delegate for Pennsylvania, attended, and took his Seat.

The delegates for the State of New York produced a commission, which was read:

Ordered, That it be referred to the Standing Committee on qualifications to report.¹

The Committee "appointed to proceed to Trenton, in the state of New Jersey, or any other place where the legislature of that State may be sitting, and represent to them in the strongest terms, the fatal consequences that must inevitably result to the said state, as well as the rest of the Union, from their refusal to comply with the requisition of September, 1785," report, that they have executed the business with which they were charged, and received a resolution of the Assembly, rescinding their Resolve of the 20th of February last.²

¹ The Standing Committee on Qualifications had been appointed November 23, 1785, and was renewed March 22, 1786, as Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean, Mr. [John] Lawrance and Mr. [James] Wilson.

² An attested copy of the New Jersey resolve, which was passed March 17, is in the *Papers of the Continental Congress*, No. 24, folio 419; the committee report in the writing of Charles Pinckney, is on folio 417. See *ante*, March 7.

IN THE NAME AND BY THE AUTHORITY OF THE FREEMEN OF THE
COMMONWEALTH OF PENNSYLVANIA.

The Supreme Executive Council, of the said Commonwealth,
[SEAL] to the Honorable JAMES WILSON, Esquire:

[Cut of Arms of
State] Whereas, The General Assembly of this Common-
wealth have, by their Act of the Eleventh Day of
November in the Year of Our Lord one thousand seven hundred and
Eighty five elected you a Delegate to represent this
B. Franklin Presd: State in the Congress of the United States, You are
therefore hereby commissioned as such.

Given in Council, under the Hand of His Excellency Benjamin
Franklin esquire, President, and the Seal of the State, at Philadel-
phia, this fourteenth Day of November in the Year of our Lord one
thousand seven hundred and Eighty five.

Attest:

JOHN ARMSTRONG, JR., *Secy.*¹

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-fourth
day of this instant February Nominated and Appointed the Honor-
able John Haring, Melancton Smith, Zephaniah Platt, John Law-
rance and Peter W. Yates Esquires DELEGATES to represent our said
State in the United States in Congress assembled from the said Day
of their appointment to the first Monday in November next, and
from thence forward until ten days after the first subsequent meeting
of the Legislature: *Provided nevertheless*, That the Delegates so
nominated and appointed shall not on any account hold their Seats
longer than one year from the day of their Appointment as aforesaid:
NOW THEREFORE KNOW YE, That in pursuance of the said Nomina-
tion and Appointment We have by these presents Commissioned the
said John Haring, Melancton Smith, Zephaniah Platt, John Lawrance
and Peter W. Yates to represent our said State in the said Congress
accordingly.

¹ This commission is in the *Papers of the Continental Congress Pennsylvania
Credentials*. It is also entered in the *Record of Credentials*, No. 179, but not in
the Journal.

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 Well-beloved 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 Twenty-Seventh day of February in the Year of our Lord one thousand seven hundred and eighty-six and of our Independence the Tenth.

GEO: CLINTON.¹

[Seal pendant.]

BOARD OF TREASURY, 20th March 1785[6]

The Board of Treasury to whom was Referred the Memorial of Increase and John Carpenter of the 13th October, last, Praying payment of certain Certificates received by them for the Supply of Cattle for the use of the Army in the Years 1779 and 1780, beg leave to Report,

That the United States in Congress have by their Requisitions of the 27th April, 1784, and 27th September, 1785, called for sufficient Sums to pay the whole Interest due on the National Debt to the 31st December, 1784.

That whilst the several States do not pay into the Common Treasury sufficient Sums in Specie to defray the Charges of the Federal Government, it would be improper in their judgement to make payment of the Principal of any Old Accounts except in cases of so particular a nature as to render a deviation from this principle justifiable.

That the case of the Memorialist is not of so peculiar a nature as to justify in their Opinion such a deviation; many Citizens of the several States in the Union being exposed to an equal Distress on account of Debts Contracted by them for the Service of the United States.

Under these Circumstances the Board Submit to the Consideration of Congress the following Resolve:

That the Memorial of Increase and John Carpenter, praying the Payment of the Principal of sundry Certificates Issued to them for

¹The original of this commission is in the *Papers of the Continental Congress*, New York Credentials. It is entered in the *Record of Credentials*, No. 179 but not in the Journal. According to indorsement it was read this day.

Cattle furnished the Army in the Years 1779 and 1780, cannot in the present state of the Finances of the United States, be complied with ¹

[Motion of M^r Henry Lee]

That a committee of five be appointed to examine what progress has been made in the execution of the ordinance of congress of May 20th, '85, ascertaining the mode of disposing of lands in the western territory, and to consider and report such alterations and amendments as may be necessary to give immediate efficacy to the accomplishment of the object of the said ordinance.²

The Board of Treasury to whom was Referred the Memorial of Samuel Fraunces of the 13th March, 1786, Beg leave to Report:

That Congress on the 4th April, 1784, Resolved, "That in consideration of the singular Services of the said Samuel Fraunces, and of his Advances to the American Prisoners, the Sum of Two thousand Dollars be paid to the said Samuel Fraunces on account of the Loan Office Certificates in his hands; and that they be delivered up and Cancelled."

That in consequence of this order the Certificates of the said Samuel Fraunces, amounting to Two thousand Dollars, were presented to the proper Officers of the Treasury, in order to be Cancelled; and that on the Liquidation of the same it appeared, that their Specie value including Interest to the 29th August was only 1,293 Dollars 63/90ths, for which Sum a Warrant Issued on the 30th August last, in favor of the said Samuel Fraunces, agreeably to a Certificate of the Comptroller of the Treasury.

That on a farther Application of the said Samuel Fraunces to Congress claiming the difference betwixt the Sum ordered by the Resolve of Congress of the 4th April, 1785, and the Sum received by him in pursuance of the above mentioned Warrant, Congress were pleased to order on the 15th September, 1785, that the full sum of Two thousand Dollars should be Paid to the said Samuel Fraunces; and that in consequence of this order the said Samuel Fraunces received

¹ This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee is in the *Papers of the Continental Congress*, No. 138, I, folio 203. According to indorsement it was read March 22. Committee Book No. 189 states that it was transferred. See *ante*, October 13, 1785.

² This motion, in the writing of Henry Lee is in the *Papers of the Continental Congress*, No. 36, III, folio 235. According to indorsement it was "postponed 22 March 1786" and "April 3 Postponed."

on the 16th September last, the further Sum of 706 Dollars 27/90ths which Sum added to the Sum first mentioned, completes the Payment of the Sum granted to the said Samuel Fraunces, as above mentioned

From this State of Facts the Board Submit to the Consideration of Congress the following Resolve:

That the Memorial of Samuel Fraunces Praying for a further Allowance on certain Loan Office Certificates, cancelled in pursuance of the Resolve of Congress of the 4th April, 1785, cannot be granted; the Memorialist having received the full Benefit of the Resolve above mentioned ¹

The Board of Treasury to whom was Referred the Memorial of M^r Giles Wolcott of the 28th February last, praying Payment of a certain Sum said to be received by him for the Recruiting Service on the 3rd. January 1777, and lost in the Evacuation of Ticonderoga, Report:

That having Referred the said Memorial to the Commissioner of Army Accounts; the said Commissioner states, that it appears from the Recruiting Accounts of the said Giles Wolcott, lodged in his Office and Sworn to by the said Wolcott before the 6th July, 1777 (the time of the Retreat from Ticonderoga), that the whole Amount of the Money which had been charged to and paid by the said Giles Wolcott for Recruiting Service, had been by him Expended and that consequently the Money lost could not have been the property of the United States.

The Board therefore submit to the Consideration of Congress the following Resolve:²

MARCH 20th, 1786.

OFFICE FOR FOREIGN AFFAIRS,
22^d March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Report of 31st January last on cer-

¹ This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 521. According to indorsement it was read March 22, 1786 and acted on August 21, 1788.

² This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 569. According to indorsement it was read March 22 and passed March 29, where the resolve recommended is spread verbatim on the Journal.

tain Letters from M^r Adams, in order that he might prepare Drafts of the Instructions therein proposed, Reports:

That in his Opinion the Minister Plenipotentiary of the United States at the Court of Versailles should be instructed in Manner following, viz^t—

SIR, It is the Pleasure of Congress that you represent to his most Christian Majesty—

That by the 11th Article of the Treaty of Alliance between his said Majesty and the United States, they guaranty to each other as follows:

“The two Parties guaranty mutually from the present Time and forever, against all other Powers, *to wit*, the United States to his most Christian Majesty, the present Possessions of the Crown of France in America; as well as those which it may acquire by the future Treaty of Peace; and his most Christian Majesty guarantys on his part to the United States, their Liberty, Sovereignty, and Independence, absolute and unlimited, as well in Matters of Government as Commerce, and also their Possessions, and the Additions or Conquests that their Confederation may obtain during the War, from any of the Dominions now or heretofore possessed by Great Britain in North-America, conformable to the 5th and 6th Articles above written; the whole as their Possession shall be fixed and assured to the said States, at the Moment of the Cessation of their present War with England.”

That the United States consider all the Countries, Dominions, and territorial Rights ascertained and assured to them at the Conclusion of the late War, by the Treaty of Peace between them and Great Britain, to be comprehended within the Terms and true Intent and Meaning of the said Guarantee.

That among other obstacles to their full and perfect Enjoyment of the said Countries and territorial Rights, Great Britain continues to withhold from them the Possession of their frontier Posts and Places occupied by them during the late War within the Boundaries of the United States, as ascertained and fixed by the said Treaty of Peace—Altho’ by the 7th Article of the said Treaty it was stipulated and agreed, that his brittannic Majesty should with all convenient Speed, withdraw all his Armies and Garrisons from the said United States and from every Post and Place within the same &c^s

That as near three Years have since elapsed, the United States consider the Detention of those Posts and Places as being contrary

to the Terms of the Treaty, and inconsistent with the good Faith with which it ought to have been observed.

That they have by their Minister at the Court of London remonstrated to his brittanic Majesty on this Subject, but that no satisfactory answer has as yet been given to them.

That from the defensive State in which those Posts and Places are kept, as well as from the Number of Forces stationed in the Province of Quebec, the intention of his brittanic Majesty to evacuate them has become problematical.

That being thus circumstanced, the United States think it their Duty to lay these Facts before their good Friend and ally, and to request that in the first instance, he will be pleased to join with them in making such further Remonstrances to his brittanic Majesty, as it is to be hoped may render any less pacific Proceedings necessary.

That the Confidence which the United States repose in the Justice and Good Faith of his Majesty, leaves them no Room to Doubt of his Readiness to join with them in the measure proposed; and therefore that they have instructed their Minister at the Court of London, as soon as he shall be informed thereof, to confer freely and fully with his Majesty's Minister at the same Court; and in Concert with him, to make such Remonstrances on the Subject to his brittanic Majesty, as they may jointly think most Expedient and conformable to their respective Instructions.

It is also the Pleasure of Congress that you represent to his most Christian Majesty.

That by the 8th Article of the Treaty of Amity and Commerce subsisting between him and the United States it is stipulated that, "The most Christian King will employ his good offices and Interpositions with the King or Emperor of Morocco, or Fez;—the Regencies of Algiers, Tunis and Tripoly, or with any of them; and also with every other Prince, State or Power, of the Coast of Barbary in Africa, and the Subjects of the said King, Emperor, States and Powers, and each of them, in order to provide as fully and efficaciously as possible for the Benefit, Conveniency and Safety of the said United States, and each of them, their Subjects, People and Inhabitants, and their Vessels and Effects, against all Violence, Insults, Attacks or Depredations, on the part of the said Princes and States of Barbary or their Subjects.

That the United States have found it necessary to commence Negotiations with the above named Powers for the Purpose of

forming such Treaties and Arrangements with them, as may prevent their committing any future Depredations on the American Vessels and Trade. You are to communicate to his Majesty an exact State of the Measures taken for that Purpose, and to request that he will, agreeable to the said Article, interpose his friendly Aid and good Offices to promote the Success of those Negotiations, which negotiations M^r Adams and You will conduct in such a manner as you and he may think best calculated to give them all the Advantage that can result from his Majesty's Interposition.

Your Secretary further Reports that the Chargé des Affaires at the Court of Spain should be instructed as follows, viz:

It is the Pleasure of Congress that you present their Thanks to his Catholic Majesty for the very friendly Manner in which he interposed his good Offices with the Emperor of Morocco in behalf of the American Vessel and Crew captured by one of his Corsairs; as well as for the kind Disposition he has expressed of his Readiness to promote a good Understanding between the United States and that Prince.

You will communicate to his Majesty that Congress have taken Measures for negotiating a permanent Peace with the Emperor, and that they would esteem themselves greatly obliged by his Majesty's Endeavours to promote the Success of those Negotiations, by exerting his Influence at that Court in their Favour.

You will assure his Majesty that his friendly Attention to the United States will always make a correspondent Impression on them, and that they will always be happy to embrace every Occasion of testifying the Sense they entertain of it, as well as of manifesting their sincere Disposition to unite the two Nations by the strongest Ties of mutual Affection and reciprocal Advantage.

Your Secretary takes the Liberty of observing, that as their High Mightinesses have agreed by the 23^d Article of the Treaty between them and the United States, to second and aid the Negotiations of the latter with the African piratical States, it would in his Opinion

be proper for Congress to avail themselves of this Article, and apply to their High Mightinesses accordingly.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

THURSDAY, MARCH 23, 1786.

Congress assembled. Present as yesterday.²

FRIDAY, MARCH 24, 1786.

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

Mr. William Harrison, a delegate for Maryland, attended, and took his seat.³

On the report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [James] Monroe, Mr. [William Samuel] Johnson and Mr. [Rufus] King, to whom was referred a report of the board of treasury, on revising the system adopted for the settlement of the Accounts of the five great departments:

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 65. According to indorsement it was read 22 March, 1786, and "Thursday 30 March assigned for Consideration."

MARCH 22: On this day, according to indorsement and Committee Book No. 190, a letter from James Livingston was read requesting Congress to settle his account of losses incurred in Canada in 1775 and 1776, in specie. It is in No. 138, II, folios 63-7 and was referred to the Board of Treasury to report which it did April 19.

Also was read a letter of March 21 from the Secretary for Foreign Affairs regarding a letter from John Temple and papers connected thereto. It is in No. 80, II, folio 175 and is indorsed as referred back to the Secretary and "Returned from the Office for foreign Affairs by Mr. Remsen. April 27th, 1790, the papers mentioned retained in the office for foreign Affairs."

² On this day, according to indorsement, was read a letter from C. Harris, dated from Johnston, Rhode Island, March 8, accepting the appointment of Surveyor in the Western Territory. It is in No. 78, XII, folio 433.

³ See *ante*, January 17, 1786.

Resolved, That on and after the fifteenth day of April next, the Resolutions of Congress of the 27th february, 1782, so far as they relate to the appointment of five Commissioners for settling the Accounts of the five great departments, be repealed.

That the respective commissioners, as soon after the 15 day of April next as may be, deliver to the Order of the board of treasury, the books and papers of their several Offices; and that they account respectively with the comptroller of the treasury for the amount of certificate paper delivered to them.

That the settlement of the accounts of the said five departments be vested in one commissioner, to be appointed by Congress, and subject to the superintendence and controul of the board of treasury; That he exercise all such powers in the adjustment of the same, as were assigned to the said commissioners by any former resolutions of Congress, and that he be allowed fifteen hundred dollars per annum, during the time he shall be employed in the same.

That all persons employed in adjusting the said Accounts, take the Oath of Office, previous to their entering on the execution of the trust reposed in them.

Resolved, That thursday next be assigned for electing the said commissioner.

Ordered, That the board of treasury report to Congress the number of persons necessary to be employed under the commissioner aforesaid, and the salaries to be allowed to each of them, and also an estimate of the contingent expenses of the Office of the said Commissioner.¹

The Grand Committee consisting of [Mr. Pierse Long, Mr. Nathan Dane, Mr. William Samuel Johnson, Mr. Melancton Smith, Mr. Josiah Hornblower, Mr. John Bubenheim Bayard, Mr. William Hind-

¹ This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress* No. 31, III, folio 229. It is indorsed by Roger Alden; "Motion—24th March 1786 on the report for settling the accounts of 5 great Depart^s"

man, Mr. James Monroe and Mr. Charles Pinckney] to whom were (among other things) referred a Motion of Mr. [James] Monroe respecting the Cessions and division of Western lands and territory; report, that they have considered the said motion and examined the Acts of Congress and of the States relating to the Cessions of Western lands and Territory within the United States to forming the same into States and the future Governments thereof and find that the State of New York ceded their claims to those Western lands beyond certain limits generally, and without any condition as to the extent of the States that may be there formed; and that Congress October 10th, 1780, having (among other things) resolved that the unappropriated lands that may be ceded to the United States by any particular State, pursuant to the recommendation of Congress of Sep^r 6th, 1780, shall be formed into distinct Republican States; that each State which shall be so formed shall contain a suitable extent of Territory not less than one hundred, nor more than one hundred and fifty miles Square, or as near thereto as circumstances will admit. The States of Massachusetts and Virginia in pursuance of said Resolve, have made Cessions of their respective claims to said lands and the Territory, beyond certain limits on condition that the same be formed into States of the extent aforesaid—which Cessions have been accepted by Congress—by reason of which conditions it is become obligatory on the federal government in dividing the said lands into States, to form them of the same extent; unless those Conditions shall be altered by consent of the said States; but such a division of the western Country cannot in the opinion of the Committee, be, in any degree practicable, conformable to the Natural boundaries of it, or for the interest of the Confederacy; according to this plan some States must be so situated as to have no advantages of Navigation; some inconveniently divided by rivers, lakes and mountains, and many of them must probably contain a large proportion of barren and unimprovable lands.

It is in the Opinion of the Committee highly expedient that settlements in that Country should be formed into governments as soon as possible, and admitted into the Confederacy; that order and the true principles of government may be established among them, and they become an accession of strength to the Union. But if that Country be divided into States agreeable to the system at present adopted, the probability is that many of them will not soon, if ever, have a sufficient number of Inhabitants to form a government; the consequence of which must be, that they will continue without laws, and without

order among them, and the Union without receiving any advantages or aid from them. The tract of Country Northwest of the River Ohio having many natural boundaries, and the barren and fertile lands intermixed in no regular form, it will be found in the division of it, indispensably necessary to pay particular attention to those Boundaries, and to the Circumstances of the Settlements, men will from natural local advantages be induced to make, and such a variety of circumstances must come into view in fixing the dimensions of States there, on a more perfect knowledge of a Country, as yet, in some degree unexplored, that it is in the opinion of the Committee, highly inexpedient, by any compact or Condition so far as to limit the United States in Congress assembled in forming States there as to preclude the consideration of the future interest of the Confederacy, the future Condition of that Country, and the circumstances of settlers in it; and though the mode of dividing the Country into States heretofore adopted may be as perfect as our knowledge of it would then suggest, yet a further investigation of the subject must fully evince, that it is in some degree defective and incapable of being carried into effect.

Therefore they submit the following Resolve.¹

The Grand Committee to whom were referred a Motion of Mr. Monroe upon the subject of the Western Territory ceded by individual States beg leave to report, in part:

That the United States in Congress Assembled having on the 6th day of September, 1780, *Resolved*, That it be recommended to the several States having claims to waste and unappropriated lands to make liberal surrenders thereof to the United States for their common benefit; and on the 10th of October following, That the Territory thus ceded shall be formed into distinct Republican States and admitted members of the Federal Union having the same rights of Sovereignty, freedom and Independence as the other States; and that each State which shall be so formed shall contain a suitable extent of Territory not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances

¹ This report, in the writing of Henry Remsen, Jr., is in the *Papers of the Continental Congress*, No. 30, folio 79. The submitted resolve is spread verbatim on the Journal for July 7. The report was printed for consideration on March 30 and a printed copy, revised in the writing of Roger Alden, to conform with the last resolve passed in the proceedings as entered on the Journal of July 7, is in No. 30, folio 569.

will admit. And the States of Virginia and Massachusetts having made Cessions accordingly, the latter founded on and the former with an express compact, among others, as to the said Condition; and the United States fully to carry the said Condition into effect, entered into on the 23^d of April, 1784, several Resolutions respecting it. And whereas upon further consideration of the same, it hath appeared that a strict adherence to said Condition in the division of the Country as aforesaid will produce many inconveniences to settlers upon the same, and like wise to the Confederacy, to prevent which and put it in the power of the said States to enable the United States to make such division thereof as shall be expedient, it was by the resolution of _____ recommended to the said States to revise their acts of Cession as aforesaid; and as the Resolutions aforesaid of the 23^d of April, 1784, might thereof restrain the United States in case the said recommendation should be complied with, from taking such measures as might be for the general interest it is hereby

Resolved, That the resolutions of the 23^d of April, 1784, in the words following Viz: "That so much of the Territory ceded or to be ceded by individual States to the United States as is already purchased or shall be purchased of the Indian Inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such Cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from North to South two degrees of latitude beginning to count from the completion of fortyfive degrees North of the equator; and by Meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western Cape of the mouth of the great Kanhaway: but the Territory eastward of this last Meridian, between the Ohio, lake Erie and Pennsylvania, shall be one State whatsoever may be its comprehension of Latitude. That which may lie beyond the Completion of the 45th degree between the said Meridians shall make part of the State adjoining it on the South; and that part of the Ohio, which is between the same Meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel on a boundary line" And "That the preceding articles shall be formed into a charter of Compact; shall be duly executed by the President of the United States in Congress Assembled under his hand and the seal of the United States; shall be promulgated; and shall stand as fundamental Constitutions between the thirteen original States and each of the several States

now newly described, unalterable from and after the sale of any part of the Territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made" be and they are hereby repealed.¹

MONDAY, MARCH 27, 1786.

Congress assembled. Present as before.

On the report of a committee, consisting of Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [Stephen Mix] Mitchell and Mr. [William] Hindman, to whom was referred a letter from the board of treasury, of the 14 May, 1785, stating, that by the abolition of the Office of an Assistant to that board, and a small increase of the Salary of their Secretary, a considerable saving will accrue to the public,

Resolved, That the Office of an Assistant to the board of treasury, be, and hereby is abolished, and that the secretary of the said board of treasury hereafter be allowed and paid a

¹ This report, in the writing of Pierse Long, is in the *Papers of the Continental Congress*, No. 30, folio 75. According to indorsement it was read March 24 and ordered "To be considered Thursday March 30th"

MARCH 24: The following committee was appointed: Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Arthur] St. Clair, on a letter from D. Lucket, dated May 28, 1785, "informing that an ejectment is bro^t by Craig & Co. to obtain possession of fort Pitt."

Also, the following nominations were made for Commissioner to settle the accounts of the five great departments: J[onathan] Burrell by Mr. [Pierse] Long; J[oseph] Pennell by Mr. [Charles] Pinckney; W[illiam] Denning by Mr. [Edward] Carrington; E[dward] Fox by Mr. [Arthur] St. Clair; [Joseph] Bendon [Bindon] by Mr. [Nathaniel] Gorham and J[ohn] Pierce by Mr. [John] Kean.

Committee Book No. 190.

Also, according to indorsement, was read the report of the committee of March 16, to whom was referred the letter of May 14, 1785, from the Board of Treasury. It is in No. 26, folio 595, and was passed March 27 where it is entered verbatim on the Journal with an exception noted under that date.

salary, at the rate of eighteen hundred and fifty dollars per annum.¹

A letter, of this day, from A. Lee, esq^r one of the Commissioners of the board of treasury, was read, requesting leave of absence during the month of April next.² Whereupon,

Ordered, That Mr. A. Lee, one of the commissioners of the board of treasury, have leave of absence during the month of April next, agreeably to his request.

The secretary at war, to whom was referred his letter of the 15 containing extracts of two letters from Major John Palsgrave Wyllys, at fort McIntosh, one dated 23 January, 1786, and the other the 13 February, 1786, in the former of which Major Wyllys states, "that the frequent desertions at that post required some immediate remedy; that in his Opinion capital punishment is absolutely necessary for that purpose; that he was so far convinced of its utility in the present instance, that he had ventured to approve of the sentence of a court-martial, and sincerely wishes that the necessity of his situation may not render it his duty to put the sentence into execution before any orders can arrive from the War Office," and in the latter, "that two days after his last of the 23 January, notwithstanding the proceedings of the court-martial were published, and the prisoners were in irons, before their eyes, three men of captain Strong's company deserted; that a party was sent after them; that after a long pursuit they were taken and brought back to the garrison; that he ordered them immediately to be put to death, which was done, and thinks this instance of severity may probably preclude the necessity of executing the deserters now in confinement, having reported,

¹ See *ante*, March 24. In the committee report, which is in the writing of Rufus King, the following phrase, which comes immediately after the end of the resolution as entered above in the Journal, was expurgated by Congress: "commencing from the Appointment of the present Secretary."

² Lee's letter is in No. 78, XIV, folio 709.

That the dignity and justice of the United States require, that a full investigation of all the circumstances attending this transaction, should be made immediately, in Order that Congress may ground thereon their ultimate determination respecting the same.

Resolved, That Congress agree to the said report.

Resolved, That a court of enquiry be instituted, to consist of two field Officers, and a captain of the Regiment of the United States, who were not of the garrison of fort McIntosh at the time of the beforementioned event, and that they report to the Secretary at War a state of facts only, in order to be presented to Congress.

Resolved, That the Secretary at War direct, that the said John Palsgrave Wyllys be arrested, and remain in arrest until the farther order of Congress, and that he order another field Officer immediately to repair to fort McIntosh, to take the command of the troops at that Post.¹

Resolved, That the Secretary at War be directed to order the two men, now in confinement under sentence of death at fort McIntosh, to be released, their trial having been illegal.

The Secretary of the United States for the department of war to whom was referred the petition of Thomas Pool, Reports:

That in the year 1780 His Excellency the Commander in Chief employed the said Thomas Pool in the dangerous task of procuring intelligence from within the enemies lines; that on the 7th of September in the same year while pursuing the object of his instructions he was seized in the city of New York as a spy and confined in the provost prison, in which he remained upwards of two years until the 24th of October, 1782, when he was sent to Bermuda, where he remained a close prisoner in the Castle rock of said island until the 30th April, 1783, when he was sent back to New York; on his arrival he was not suffered to land but again returned to Bermuda and there confined on board the ship *Carolina* until the 24 August, 1783, when he made his escape and lurked about the island in great distress, until the 9th of

¹ This resolve, in the form of a motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 151, folio 161.

September following, on which day he fortunately got on board an American vessel. During the long period of his imprisonment in the provost his sufferings were excessive. Abandoned to the power of his inhuman keeper he was obliged to sustain all the variegated cruelties that could be invented by the most rancorous of men; the severities that he underwent at that time have occasioned a painful disorder which will probably accompany him through life.

His unexpected long absence involved his family in the utmost pecuniary distress exclusive of the affliction of mind which his calamities must have excited.

He asserts that his actual loss of property in consequence of his captivity was considerable; a horse, saddle, and bridle which had cost him equal to the liquidated sum of one hundred and sixty dollars which he left at Bergen, in New Jersey when he came into New York, was on his being apprehended seized and sold by the enemy. Money and clothing at different periods amounting to between four and five hundred dollars which were sent to him by his wife and brother were intercepted by his keeper or other persons.

He also asserts that from the last of May, 1780, until the time he was apprehended, he was seven times into the city of New York, and otherwise constantly active to obtain intelligence; that during that period he expended of his own money upwards of two hundred dollars.

The respectable testimonies of the late Commander in chief and colonel Hamilton his Aid de camp, will prove his Employment, confinement and small sum of money which he received. The evidence of captain Howlet, Major Brush, M^r Rattoon, M^r Mulligan, and captains Grinnell and Conkling who were fellow prisoners with him, will exhibit in some degree the barbarous treatment he experienced in the provost.

The order of Cunningham, the provost marshal, and the certificates of captain Overton explicitly shew the time he was sent to Bermuda & the day on which he effected his escape from that Island. On this statement your Secretary observes That the necessary office voluntarily undertaken by M^r Pool is ever attended with peculiar dangers and therefore entitled to liberal rewards; the accumulated miseries which he endured being inflicted solely in consequence of the nature of his employment gives him an equitable claim on the United States for recompence, if such pains can be recompensed with money; this claim is also strongly supported by principles of sound policy.

Your Secretary considering therefore the nature and length of M^r Pool's confinement and its consequences to himself and family is of opinion that the sum of one dollar per day from the time of his being seized to the day he made his escape, would be but a moderate allowance for the injuries he has suffered. On this principle the following resolution is submitted:

Resolved, That the Board of Treasury take order for the payment of one thousand and ninety-seven dollars to M^r Thomas Pool as a reward for the personal and pecuniary injuries he sustained in the service of the United States during the late war. H. KNOX.¹

War Office, January 6, 1786.

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 133. According to indorsement it was read March 27 and passed September 7, 1786.

MARCH 27: The following committees were appointed:

Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Zephaniah] Platt, on "Two Acts of the State of South Carolina: 1. To authorise the delegates of that State to subscribe and ratify an Agree^{mt} for altering the 8 Art. of the Confederation. 2. To authorise the U. S. to regulate trade. To report how far they are conformable to the recommendations of Congress." This committee was renewed May 12. Certified copies of the two acts are in No. 76, folios 236-247.

Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean and Mr. [Charles] Pinckney, on "Report of the Com^{rs} respecting the Settlers at Kaskaskies. To consider and report forms of government to be instituted in the Western territory of the United States by Congress prior to the institution of temporary government there to the resolve of April 23, 1784." Report was rendered May 10.

Also Benjamin Walker was nominated for Commissioner to settle the accounts of the five great departments, by Mr. [Henry] Lee.

Committee Book No. 190.

Also on this day the Secretary of Congress reported on the petition of Robert Patton, messenger to Congress, "stating his services and praying for a farther compensation," that it be referred to a committee. The report was passed March 28 and is entered in *Reports Secretary of Congress* No. 180. Patton's petition, undated is in the *Papers of the Continental Congress*, No. 42, VI, folio 363. According to indorsement it was read March 28 and acted on September 7.

Also, according to indorsement, was read a letter from President John Langdon, March 15, informing that New Hampshire is well disposed to alter its laws for the regulation of commerce. It is in No. 64, folio 272.

Also on this day, according to indorsement, was read a letter of March 16 from Thomas Hutchins, representing the necessity of increasing the pay of surveyors in the Western Territory. It was referred to Secretary Thomson who reported, this same day, that it should be referred to a committee, which report was passed March 28. It was entered in *Reports of Secretary of Congress* No. 180. See *post*, March 28. Hutchins' letter is in No. 60, folio 237.

TUESDAY, MARCH 28, 1786.

Congress assembled. Present as before.

On a report of the board of treasury, in pursuance of the act of the 11 October last,

Resolved, (by nine states) That there be allowed to Lewis Nicola, the sum of two hundred and eighty-six dollars and eighteen ninetieths of a dollar in full, for his services, whilst employed in settling the accounts and distributing the certificates belonging to the late Invalid corps.

That there be allowed to Talmage Hall, late paymaster of the corps of invalids, the sum of four hundred and sixty-four dollars in full, for his services, whilst employed in the Agency of the said corps.¹

Also was read the report of the Board of Treasury on the memorial of John Clark. According to indorsement it was passed March 29, where it is spread verbatim on the Journal. The report is in No. 138, I, folio 231, accompanied by supporting documents.

¹ MARCH 28: The following committee was appointed: Mr. [Edward] Carrington, Mr. [John Cleves] Symmes and Mr. [Nathan] Dane, on "Letter of 16 Tho^s Hutchins respect^s allowance of Surveyors," and "Petition of R. Patton for farther allowance. Report on R. Patton Aug. 4, 1786." See *post*, August 7 and September 25 and *ante*, March 27.

Also, a petition dated March 15 from Michael Schmyser, for pay for arms purchased in 1776 and lost at Fort Washington, was read and referred to the Board of Treasury to report. Report was rendered June 7, 1786 and Roger Alden has indorsed the petition that a report was also rendered March 21, 1787. Schmyser's petition is in No. 42, VII, folio 245.

Also was read a letter of March 27 from the Board of Treasury on the subject of Edward Blake's acceptance of appointment as Commissioner of Loan Office in South Carolina while carrying on, at the same time, a commercial factorage business. The matter was referred back to the Board to report and report rendered April 3. The Board's letter is in No. 140, II, folio 177 and is accompanied by a letter from Blake.

Also was read a letter of this day from the Secretary for Foreign Affairs, forwarding a letter of December 24, 1785, from Thomas Jefferson, with enclosures. Jay's letter is in No. 80, II, folio 183, Jefferson's is in No. 87, I, folio 187, the enclosures are on folios 191-224. A portion of the letter relates to John Paul Jones and the collection of prize money in France: "Sec^y for foreign Affairs To furnish the board of treas^y with the Marq^s de Castries letter respect^s the sums paid to J. P. Jones and Jones rec^d."

Also on this day Doctor S. W. Johnson was nominated by Mr. [Stephen Mix] Mitchell, as Minister to the United Netherlands. See *post*, May 15.

Committee Book No. 190.

WEDNESDAY, MARCH 29, 1786.

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

On a report of the board of treasury, to whom was referred a memorial of John Clarke, late an Auditor in the main army,

Resolved, That the claim of John Clarke, late an Auditor in the main army, for a further compensation for his services, whilst acting in that Office, is inadmissible.

On a report of the board of treasury, to whom was referred a Memorial of Giles Wolcott, praying payment of a certain sum, said to be received by him for the recruiting service, on the 3 January, 1777, and lost on the evacuation of Ticonderoga,

Resolved, That the matters stated in the memorial of Giles Wolcott, not being supported by proper evidence, the said memorial be dismissed.

[Motion of James Monroe]

Ordered, That the late dispatches from the Hnble M^r Adams be referr'd to the Secretary for foreign affairs to report, and that he be instructed to report particularly upon the propriety of instructions to the s^d minister, to protract his negotiations with the court of G. Britain respecting the posts which sho^d have been before this surrend'rd to the U. S. by the late treaty, and other infractions of the s^d treaty by that power, so as to avoid demanding a catagorical answer respecting the same until the further order of Congress.¹

OFFICE FOR FOREIGN AFFAIRS,

29th March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Report of 21st February last on the

¹ This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 81, II, folio 83. Thomson has dated it and written the word "Ordered" in front of Monroe's text. It is entered, by Roger Alden, in *Secret Journal, Foreign and Domestic*, No. 4, and by Benjamin Bankson in *Secret Journal, Foreign*, No. 5. A copy, signed by Thomson, is in *Secret Journal*, No. 6. See *post*, March 31.

proposed Convention between the Post Offices of the United States and France, Reports:

That in his Opinion the following Form of such a Convention would be proper viz^t

Plan of a Convention between the Post Office of France and that of the United States of America for regulating their mutual Inter-course and correspondence.

His most Christian Majesty having authorized the Director of the Post Office of France, and the United States having authorized Ebenezer Hazard Esquire their Post Master General, to form and conclude such Convention, they have accordingly agreed upon the following Articles viz:—

1.

There shall be maintained on both sides a good, constant and mutual correspondence for the Transmission, Reception, and Distribution of Letters, Dispatches and Packets.

2.

All Imposts, Postage, and Charges which may be due on Letters passing from the Post Offices of France to those of the United States, shall be paid in France. And on the other hand, all Letters passing from the Post Offices of the United States to those of France, shall be paid in the United States. That is to say, no french or other Postage due on Letters coming from that Kingdom to the United States shall be demanded or received in the United States, nor any american Postage due on Letters going from the United States to France shall there be demanded or received. The Packet, Postage on Letters passing by Packets to or from France and the United States to belong to the Sovereign whose Packet shall carry such Letters.

3.

And as his most Christian Majesty has, in order to promote and facilitate the Intercourse and Correspondence between the two Countries, been pleased to establish Packets at L'Orient which sail once a Month from that Place to New York. It is agreed that all Letters intended to be transmitted from L'Orient to New York by the said Packets, shall be put into a Mail by the Post Office at L'Orient, which Mail sealed with the known and acknowledged Seal of that Post

Office and directed to the Post Office at New York, shall on its Arrival at New York, be immediately delivered to the said Post Office, where the same shall be opened by the Post Master, in the Presence of the Consul or Vice Consul of France there residing, or of the french Agent for the said Packets, and all such Letters as may be found therein franked by the french Ministers of either of the great Departments shall be immediately delivered to the said Consul, Vice Consul or Agent, to be forwarded and transmitted in such Manner as he or they may think proper. And further, that whenever and as often as the Post Master at New York shall receive from a Captain of one of the said Packets a Mail so put up and directed, and being in good Order, he shall give to the said Captain a Receipt for the same mentioning therein the Name of the Captain and Packet who brought it, the Time when received and that the same was in good Order.

4.

That all Letters intended to be transmitted from New York by one of the said Packets to L'Orient shall be put into a Mail by the Post Office at New York, which mail sealed with the known and acknowledged Seal of the said Office and directed to the Post Office at L'Orient shall at the Stated Times appointed for the sailing of a Packet, be delivered by the said Post Master to the Captain thereof who shall thereupon give him a Receipt for the same specifying when he received it and that it was in good Order.

5.

That whenever one of the said Mails shall arrive at L'Orient and be delivered to the Post Office there it shall be opened in the Presence of the Consul, Vice Consul or Agent of the United States there residing, to whom all such Letters found therein as may be franked by the President of Congress or either of the Ministers of the great Departments shall be immediately delivered, and they shall be forwarded and transmitted in any Manner that the said Consul, Vice Consul or Agent may think proper; but they or such one of them to whom the said Letters shall be so delivered shall without Delay give a proper Receipt for the same to the Post Office.

The Director of the Post Office at L'Orient and the Post Master at New York, shall with every Mail send to each other a Letter of Advice specifying the Number of Letters enclosed in it; which said Letters shall be counted on the opening of the Mail to determine whether the Number received be the same with the Number sent.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

THURSDAY, MARCH 30, 1786.

Congress assembled. Present the same as yesterday; and from the State of Pennsylvania, Mr. [John Bubenheim] Bayard.²

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 73. According to indorsement it was read this day.

MARCH 29: The following committees were appointed:

Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean and Mr. [Charles] Pinckney, on "letter 1 febr^y, 1786, from R. Butler & S. H. Parsons and a treaty they have made with the Shawanese." A report was rendered May 16, 1786. The letter is in No. 56, folio 377; the treaty bearing date of January 31, 1786, is spread on the Journal of April 17, 1786.

Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [John] Kean and Mr. [Nathan] Dane, on "Report of the Sec^y for foreign Affairs respect^s Algiers." Report was rendered April 5. See *ante*, October 13, 1785.

Also a memorial from "Tristram Coffin relative to a schooner" was referred to the Board of Treasury to report and a report rendered April 4. The memorial is in No. 41, II, folio 301, the schooner's name was *Vigilant*.

Also the letters from John Adams, dated 1785, December 2, 6, 9, 12, and 15, and 1786, January 4, forwarded by the Secretary for Foreign Affairs in a letter of March 27, were referred back to said Secretary to report, which he did March 30 and his report read March 31. Jay's letter is in No. 80, II, folio 179; Adams' are in No. 84, VI, folios 1-71.

The names of Joseph Pennell and John Pierce were this day withdrawn from nomination as Commissioner to settle accounts of the five great departments. See *ante*, March 24.

Committee Book No. 190.

² MARCH 30: The following committee was appointed: Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Zephaniah] Platt, on "Three acts of the State of Rhode Island 1: An Act vesting Congress with power to regulate trade. 2: An Act respect^s Invalids. 3: An Act granting impost. to report how far they are conformable to the recommendations of Congress." This committee was the same as that of May 27 on South Carolina acts; it was renewed May 12. Copies of the acts are in No. 75, folios 13-54.

Committee Book No. 190.

The Committee consisting of M^r [Arthur] St. Clair, M^r [Henry] Lee and M^r [John] Lawrance to whom was referred a report of the Sec^y at War on the Articles of War and Courts Martial report as follows:

Whereas crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court martial according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops and the public service. Whereupon,

Resolved, That the fourteenth section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts martial, and the confirmation of the sentences thereof, be and they hereby are repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts martial and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

* * * * *

ART. 1. General courts martial, in the armies of the United States of America, shall not consist of less than five, nor more than thirteen commissioned officers. The numbers to be in proportion to the officers present. The president of the court martial shall not be the officer ordering the same, nor under the degree of a captain.

ART. 2. General courts martial may be assembled by orders of the general or officer commanding the troops. But no sentence of a court martial, extending to loss of life, the dismissal of a commissioned or which shall respect a general officer, shall be put into execution, until after report shall be made of the whole proceedings to Congress, the Secretary at War, the commander in chief, or general commanding in the department where such general court martial shall be held, and their or his orders be issued for carrying such sentences into execution. All other sentences may be confirmed by the officer ordering the court to assemble.

* * * * *

ART. 12. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is

hereby directed that the courts martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with the corps which shall be eldest in rank. [For this reason the Army ought to be considered as one family the Interests of every part of which are the Interests of the whole, and contrariwise, the holding up the suspicion of a different way of thinking is the ready way to introduce it.]

ART. 13. . . . Neither shall a prisoner in his defence, or at any other time, in the presence of a court martial, use indecent or improper language with regard to the person by whom he may have been arrested, on the penalty of being punished at the discretion of said court martial.

* * * * *

ART. 17. No officer or soldier who shall be put in arrest or imprisonment shall continue in his confinement more than eight days, or until such time as a court martial can conveniently assemble.

* * * * *

ART. 22. In all cases where a commissioned officer shall be suspended from command, by the sentence of a court martial, his pay and emoluments shall during the same time also be suspended.¹

¹ The ms. of this report is in the writing of Samuel Shaw, with the committee personnel heading added by Charles Thomson. It is in the *Papers of the Continental Congress*, No. 27, folio 291, and, according to Thomson's indorsement, it was read March 30 and made the "Order of the day for Thursday April 13, 1786." It was submitted to Congress, as a collateral document, with Knox's report on courts martial, read October 27, 1785, and was used by the Committee of March 9, 1786, as the basis of its report. As it survives it is the complete ms. in Shaw's writing, but with various scraps pasted to it and certain elisions indicated. The combination makes it, with some slight variations, the same as the printed report on folio 303. Only the variations from the report as adopted are given above; the omitted portions, designated by asterisks, being identical with the report adopted and spread on the Journal of May 31, 1786. On folio 303 is a printed copy (4 pp. f^o) of this report, which varies from the ms. on folio 291 precisely as does the adopted report of May 31. It is marked by Thomson as to verbal changes which bring it into accord with the May 31 text. It seems, therefore, that this printed copy was struck off from the press in April and that Thomson's ms. changes thereon note the action of Congress either on May 19 or May 31. The principal changes noted on the printed report (folio 303) are in Article 9, the elimination of the latter half of Article 10, as to distances of witnesses and of the indecent language sentence in Article 12; all other changes are minor ones of phraseology.

The resolves recommended at the end of the report are the same in the ms., the printed report and the Journal.

FRIDAY, MARCH 31, 1786.

Congress assembled. Present as yesterday.

[Motion of Mr. [Charles] Pinckney.]

That the Chairman be directed to address a Letter to the Legislatures of the States of Pennsylvania and Delaware, earnestly requesting them to revise their Acts passed in conformity to the Recommendations of the 18th, 1783, so as to enable the U. States in Congress Assembled to operate upon that part of the said System either of impost or supplementary funds in aid thereof which shall be first assented by all the States, assuring them that Congress will continue to urge all the States to a full Compliance with every part of the said System. That the exigencies are pressing and important, but unless all the States so frame their Acts as to enable Congress to operate on that part which is first assented to by all, the System will be still inoperative.

March 31st, 1786: Ordered, That the foregoing Motion be referred to the Chairman of Congress to take Order ¹

OFFICE FOR FOREIGN AFFAIRS,

30th March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred M^r. Adams Letters of the 2^d, 6th, 9th, 12th and 15th December, 1785, and 4th January, 1786, with the Papers enclosed with them, and also a Motion founded on M^r. Adams Memorial demanding the Evacuation of the frontier Posts &ca, Reports:

That in his Opinion the Instructions proposed by the Motion in Question would be proper and expedient: Because

1. A categorical Answer in the Negative would involve the United States either in War or in Disgrace. They are not prepare for the former, and should if possible avoid the latter.

2. It would not be expedient to press that Answer while the Intentions of the Court of France on the Subject remain doubtful.

Your Secretary therefore thinks that M^r. Adams should be immediately instructed in the Words of the said Motion, viz: "to protract his Negotiations with the Court of Great Britain respecting the Posts which should have been before this surrendered, to the United States

¹ This proceeding is entered by Benjamin Bankson in *Resolve Book No. 123*. The draft, in Pinckney's writing, is in No. 36, III, folio 225. Thomson also entered it in *Committee Book No. 190*.

and other Infractions of the said Treaty by that Power, so as to avoid demanding a categorical Answer respecting the same until the further Orders of Congress.”

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

MONDAY, TUESDAY, & WEDNESDAY, APRIL 3, 4, & 5, 1786.

Congress assembled. Present as before.

[April 3.]

The Board of Treasury to whom was Referred a Letter of Edward Blake Esq^r of the 31st December, last, Beg leave to Report:

That in the Opinion of this Board it would not be consistent with the 6th Article of the Ordinance for Regulating the Duties of the Loan Office of the 30th September last, that a Commissioner of the Loan Office, should at the same time Exercise the Employment of a Factor; because the Business of Factorage frequently requires the Advance of Money, and the spirit of the Ordinance implies, that no Person who may be engaged in the Receipt of Taxes, should be tempted by his situation to make any Appropriation of Monies, but by Warrants from the General Treasury

The Board further Report: That M^r Blake in his Letter to the Board of Treasury of the above mentioned Date says “that it will not suit him to accept the appointment of Commissioner of the Loan

¹ This report is in the *Papers of the Continental Congress* No. 81, II, folio 79. According to indorsement it was read March 31 and on April 17 referred back to the Secretary for Foreign Affairs to take order.

Office, unless he is allowed to carry on the Factorage Business, so far as it relates to Selling the produce of the Country on Commission." ¹
 April 1st 1786.

[APRIL 4.]

[Motion of Mr. Dane.]

Resolved, That the Secretary at war form estimates of all such Stores, equipments, and supplies as may be requisite for the military service and for keeping up Competent magazines and report the same to Congress as well as to the Commissioners of the Treasury that Congress may ~~examine~~ and take proper measures to procure the same. ²

[Motion of Mr. Lee.]

That the Secy. at war shall also possess the power of sending such expresses at the public expence as the service of ~~the~~ \cup his department may in his opinion render necessary. ³

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 135. According to indorsement it was read April 3. "Debated, Question taken and lost 19 April, 1786. Acted on 9 May, 1786."

APRIL 3: Also a memorial, dated Richmond County, New York, March 3, from Joshua Mercereau "for settle^{mt} of his acco^{ts} as dep^y Com^y of prisoners and an allowance to his son" was this day read and referred to the Board of Treasury to report, which it did, April 19. The memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 450.

Also a petition from Andrew Pepin, dated New York, April 3, pray for commutation of rations, was read and referred to the Commissioner of Army Accounts to report. He reported April 4. Pepin's petition is in No. 42, VI, folio 367.

Also a letter of November 30, 1785, from R. Howe "respect^s Acco^t of D. Hunt for a fire engine" was referred to the Board of Treasury to report.

Committee Book No. 190.

Also, according to indorsement, action on Mr. Henry Lee's motion of March 22 was again postponed this day.

² This motion, in the writing of Nathan Dane is in the *Papers of the Continental Congress*, No. 27, folio 307.

³ This motion, in the writing of Henry Lee, is in the *Papers of the Continental Congress*, No. 27, folio 309.

[Motion of Mr. Kean]

R.

That the S. at War make a quarterly return of the expenditure of all monies rec'd by him from the Com^{rs} of the Treas^y for the use of his department.¹

BOARD OF TREASURY,
April 3^d, 1786.

The Board of Treasury to whom was referred the Memorial of Tristram Coffin of Nantucket, claiming compensation for the Loss and Demurrage of a Vessel chartered on account of the United States during the Late War, Beg leave to Report:

That it appears by the Charter Party entered into on account of the United States betwixt Samuel Allen Otis, Deputy Quarter Master General at Boston, and the said Tristram Coffin, on the 1st day of March, 1779, that the said Samuel Allen Otis Engaged to Ensure or Cause to be Ensured upon the said Vessel the sum of Two Thousand six hundred pounds, which sum was to be paid to the said Tristram Coffin, in case of Loss of said Vessel by Capture or otherwise.

That the said Vessel was burnt in the State of South Carolina, whilst in the Public Service—and that in consequence of this loss the said Samuel Allen Otis did on the 26th August, 1779, pay to the said Tristram Coffin the sum of Two thousand six hundred pounds, as appears by a Receipt of the said Tristram Coffin, Endorsed on the abovementioned Charter Party.

With respect to the claim made by the said Tristram Coffin for Demurrage, it appears by the Accounts of Samuel Allen Otis lodged in the Office of the Commissioner of the Clothing Department that the amount thereof is Charged by the said Samuel Allen Otis against the United States; and that of Course no payment ought to be made of the same to the Memorialist, unless the said Otis should fail in producing a proper Voucher in support of this Charge.

The Board beg leave to observe, that if a Precedent should be established of setting aside former Settlements of Public Accounts on the suggestion that the Sums paid in paper were not Adequate to the

¹ This motion, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 27, folio 309! According to indorsement it was made April 4, 1786, and referred to Mr. [Nathan] Dane, Mr. [William] Grayson and Mr. [John] Kean. Committee Book No. 190 also notes this action and that Dane's motion of this date was referred to this committee. Lec's motion is included in the committee's report, rendered June 15, 1786.

Services performed or supplies furnished when compared with Specie, a Door would be open for Claims, which no Revenue in the Power of these States would be adequate to Satisfy. That in Engagements entered into at that period, when M^r Coffin chartered his Vessel, the prospect of Appreciation of Paper was undoubtedly in Contemplation; And as the Memorialist (in case such an event had taken place) would not have been bound to Refund to the United States, any Advantages acquired by such Appreciation, beyond the bona fide Value of the Vessel by him chartered, so the United States are not liable to make good any Loss which he may have sustained from a Contrary Turn in the Value of the Continental Money.

Under these Circumstances, The Board recommended to the Consideration of Congress the following Resolves, viz^t

That the Claim of Tristram Coffin for a further Compensation on Account of the Destruction of a Vessel by him Chartered for the Service of the United States, beyond the sum stipulated in the Charter-party, and actually paid to him soon after the Loss of the said Vessel was ascertained, is Inadmissible.

That when M^r Coffin shall prove to the proper Officers of the Treasury, that the Claim by him made for Demurrage of the Schooner *Vigilant* has not been paid by M^r Samuel Allen Otis, who Chartered the said Vessel on Account of the United States, the Board of Treasury take order for liquidating the Sum found due.

All which is humbly submitted.¹

¹ This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 255. According to indorsement it was read April 4, 1786.

APRIL 4: A grand committee was appointed, consisting of Mr. [Pierse] Long, Mr. [Nathaniel] Gorham, Mr. [Stephen Mix] Mitchell, Mr. [John] Lawrance, Mr. [John Cleves] Symmes, Mr. [John Bubenheim] Bayard, Mr. [William] Harrison, Mr. [Edward] Carrington and Mr. [John] Kean, "on a plan of the Sec^y at war for modeling the Militia of the U. S. To meet in Congress chamber on Monday next at 10 o'clock." A report was rendered September 11.

Also a memorial of David Reynolds, praying relief from debt incurred as an Assistant Commissary of Purchases of the Continental Army, in 1779-1780, was referred to the Board of Treasury to report and report rendered May 10. The memorial is in No. 41, VIII, folio 369.

[APRIL 5.]

The Committee consisting of Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [Charles] Pinckney Mr. [John] Kean and Mr. [Nathan] Dane to whom was referred the report of Secretary of the United States for the Department of foreign affairs relative to negotiations, and other measures to be taken with the Barbary powers

Report that in their opinion the negotiations now on foot with those powers must be conducted according to the plans hitherto adopted, until Congress can be better informed of the effects, and Events of them.

But the Committee are of opinion that the monies heretofore appropriated, and means provided for obtaining peace with those powers will be found inadequate for effecting that object; and that therefore Congress ought immediately to make further provision and to procure by loan or otherwise further and considerable sums of mony for the express purposes of procuring peace with those powers, which further provision and sums of money (if the overtures of the United States for peace shall be rejected) shall be employed in protecting the Commerce of these States.

And that the United States may be prepared for the latter Event the Committee are of opinion that the attention of the federal Government, ought to be turned to the Marine Department, an an ordinance be passed as soon as may be for organizing and arranging the same.

Wherefore they submit the following resolves—

Resolved, That the Commissioners of the Treasury devise way and means to obtain by loan, or otherwise, a sum not exceeding Dollars for the purposes of securing the Commerce of the United States against the Depredations of the Barbary States, and if by loan, ways and means to secure the repayment thereof—and report,

Also, according to indorsement, was read a letter of transmittal from the Secretary for Foreign Affairs, enclosing a letter from William Carmichael. It is in No. 80, II, folio 191. Carmichael's letter, dated Madrid, December 9, 1785, relates to the Spanish negotiations with Algiers and Mr. Lamb's mission. It is in No. 88, II, folio 424.

Also was read a letter from the Board of Treasury, of April 3, transmitting the regular quarterly statement of receipts and expenditures from January 1 to March 31, 1786. "The Absence of the Register of the Treasury in Consequence of Leave from this Board, prevented the Accounts for the months of January and February from being sent to Congress, agreeably to their Resolve of the 2^d August last." The letter is in No. 140, II, folio 185.

Resolved, That it is proper and expedient for the federal Government to turn their earliest attention to the Marine Department, and that a committee be appointed to frame and report an ordinance for organizing the same.¹

The Secretary of the United States for the department of war to whom was referred the petition and account of M^r Caleb Bruen, Reports: That it appears from the petition of the said Caleb Bruen that he was taken prisoner in April, 1777, by the refugees attached to the British army. That while he was a prisoner propositions were made to him to undertake the office of a spy for the enemy with which he complied. That in this capacity he came out of the British lines; but it appears that in the first instance he developed the business with which he was charged to Major Hayes and professed his real intention of serving the American interest. That in consequence of this discovery he repaired to the American Head Quarters in company with the reverend D^r McWhorter. That he was employed by General Greene, who stated in writing certain intelligence which he was to deliver to the British officers. That he was suspected from the extravagance of his reports and confined in the provost in New York, but soon released. These circumstances are stated and confirmed by the certificate of Major Hayes and the details contained in D^r McWhorter's letter N^o 1 and 2.

It does not appear in what manner he was employed from the before recited time in 1777 to the year 1780. There are several passes which accompany his petition, given by confidential officers, which shew, that he was employed by the American officers in the years 1780 and 1781. The certificate of the late brigadier general Dayton N^o 3 is not only expressive of general services rendered by the said Bruen, but of an important one, in discovering the secret intentions of the enemy respecting the Pennsylvania soldiers, then in a state of mutiny and revolt. That on his return into New York he was suspected of having betrayed his trust and confined in the dungeon of the provost many months. It also appears by his petition that he has been fined a sum of money in New Jersey, for a breach of the laws of that state, of which it is probable Congress will take

¹ This report, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 25, II, folio 459. According to indorsement it was read April 5 and "Tuesday 11 April assigned. 10 copies to be made out." See *ante*, October 20, 1785.

no cognizance. On this statement your Secretary observes that it is apparent that Caleb Bruen did practice the office of a double spy, a conduct to which all persons performing the dangerous Office of a Spy, are almost invariably obliged to have recourse. But it appears from the early discovery of his employment, he conceived that in the course of his pursuits, he might effectually serve the interests of United States—although it is hardly possible to conceive that during the length of time he continued this practice but that he gave satisfactory and perhaps important information to the English officers, yet that he finally suffered great misery, on account of having betrayed their cause cannot be doubted. Having suffered in consequence of service rendered the United States, he appears to have a claim on their liberality for some compensation. He has exhibited an account in which he estimates his services and sufferings at two hundred pounds. In this instance as well as in the case of Thomas Poole, before reported upon, your Secretary is of opinion, that one dollar per day, for the time he was confined in the provost, would be a reasonable and proper recompence, for his services and sufferings. On this principle the following resolve is formed:

Resolved, That the board of treasury pay to Caleb Bruen the sum of three hundred dollars as a compensation for his services and sufferings in the cause of the United States during the late war.

All which is submitted to Congress.

H KNOX.¹

War Office, April 5, 1786.

[Memorial of Caleb Stark in behalf of Brig. Genl. Stark.]

April 5, 1786: *Ordered*, That the said memorial be referred to the Board of Treasury and to settle the Accounts of Brig. Genl. Stark.²

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 167. According to indorsement it was read April 5 and passed September 7, 1786.

² This entry, in the writing of Benjamin Bankson, is entered in *Resolve Book* No. 123; it was also noted by Thomson in *Committee Book* No. 190.

APRIL 5: The following committee was appointed:

Mr. [John] Kean, Mr. [John] Lawrance and Mr. [John Cleves] Symmes, on the "report of the Com^r for Army Acco^{ts} on petition of A. Pepin." Pierce's report, which was read this day, is in No. 62, folio 115. The committee was renewed April 25 and, according to indorsement on Pierce's report, was discharged April 27 and sundry papers there enumerated, delivered to Pepin's wife, April 28, 1786, "by John Fisher Clk."

April, 1786

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THURSDAY, APRIL 6, 1786.¹

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long.

On the report of the board of treasury, to whom was referred a Memorial of Stephen Ranney,

Resolved, That it be, and it is hereby recommended to the legislature of the State of Connecticut, to settle and discharge the depreciation of pay due to Stephen Ranney, jun^r late a surgeon's mate in the general hospital of the United States, agreeably to the resolve of Congress of the 20th february, 1782.

FRIDAY, APRIL 7, 1786.

Congress assembled. Present as yesterday.

WAR OFFICE, April 6th, 1786.

SIR: Having been waiting for the information which might result from the issue of the treaty with the indians at the river Miami, and also for such explanations of the designs of the british Court respecting the western posts as might be supposed to arrive by this time, I have hitherto deferred submitting to Congress my ideas of the disposition of the troops of the United States during the course of the ensuing year. But the treaty at the Miami being terminated and the Court of Great Britain appearing still to persist in their plan of

Also the memorial of Thomas Church and William Shattuck praying for losses and expense sustained in capturing Luke Knowlton, was referred to the Board of Treasury to report. The Board reported April 17. The memorial is in No. 41, II, folio 318.

Committee Book No. 190.

¹ APRIL 6: On this day the committee of August 22, 1785, on the letter of August 18, 1785, from the Secretary at War "on line of promotion in the corps now in service," was renewed as Mr. [William] Grayson, [Mr. Edward Carrington and Mr. Nathaniel Gorham]. This committee was again renewed May 1.

Also a petition from Thomas Chase, late deputy quartermaster general, for the settlement of his accounts, was referred to the Board of Treasury to report. Chase's petition is in No. 42, II, folio 212.

Committee Book No. 190.

retaining the posts on the communication of the great Lakes it is proper that I should no longer postpone stating to Congress the proposed destination of the troops the reasons on which it is founded and to request their orders respecting the same.

Congress having been pleased by their proclamation strictly to forbid all unwarrantable intrusions on the lands of the United States I have in my orders to the commanding officers of the troops enjoined the highest activity to prevent or remove all such intrusions.

The propensity of lawless men to establish themselves on the public Lands instead of being damped by the rigorous treatment they have received rises to a great height and is even spreading itself among men who have been supposed to be under the influence of reason and law, strong desires to possess the fertile unlocated lands joined to the facility with which possession has heretofore been obtained induces an opinion that the right of an adventurer is superior to all others. These sentiments acquire vigour by communication and unless opposed with decision in the first instance will overwhelm the western territory with such incumbrances as to annihilate at once the interest and government of the United States.

To prevent the effects which may be apprehended from people so disposed it will be necessary to post the greater part of the troops on the Ohio at such distances that the intermediate spaces may be easily kept clear of settlers by the frequent patrols of armed parties. In the present state of affairs I consider this as the most important object for the employment of the troops.

The jealousy of the indians who inhabit the country lying between the Ohio and lake Erie might render it unwise at this time to assume those posts which perhaps might have a better military aspect. The Miami village at the head of the river of the same name which empties into lake Erie would be an excellent military post for twelve or fifteen hundred men in case of hostilities with the indians, and to curb or awe the british troops while in their present posts. This might be combined with a chain of posts extending along the south side of lake Erie.

But it would be highly impolitic to irritate the indians when we ought to conciliate their affections, to alarm the british garrisons and thereby to reinforce them when we wish them to be entirely withdrawn.

By posting the troops at due distances on the Ohio and perhaps ascending the Miami river with one company and taking post with

it at the Picque's town and with another at the Tuscarawas on the Muskingum at present would best conform to the objects of Congress. By this disposition lawless emigrants would be restrained, the surveyors protected, and the sale of the lands be made, in the most advantageous and honorable manner. The indians would have the opportunity of regarding the moderation, justice, and power of the United States; and the british troops would be under no apprehensions of being dispossessed by force of those posts their Court unjustly retain from us.

On the contrary the troops being much advanced into the country would admit of the irruptions and settlement of equivocal or bad men. The Savages already doubting of our pacific and honorable intentions would be driven into hostilities. An event which would be accelerated by the acts of insidious men favored by the countenance if not acting under the orders of the military servants of the crown of Great Britain. The plans of Congress would be frustrated for surveying and alienating the lands, and the United States involved in all the expences arising from an Indian war.

Were it a proper policy to obtain possession by force of the posts occupied by the british, and to push the savages further into the wilderness, an army would be required for the purpose, which would but ill comport with the present state of the finances of the United States.

There are six companies on the Ohio; of the troops now raising in Pennsylvania and New Jersey three companies will march by the 1st of May, and the remainder during that month excepting the number necessary to form a guard to the stores at West Point. The whole effective force on the Ohio will probably amount to about six hundred men, deducting the sick and deserters.

One Company may occupy Fort McIntosh with a small detachment at Fort Pitt.....	70
Four companies at the headquarters at the Muskingum, three of which may be detached either to cover the surveyors or to take post high up on the Miami or Muskingum.....	280
One company at the Scioto.....	70
Two companies at the mouth of the Miami.....	140

The companies at Fort McIntosh and the Muskingum to scour the country between each of them; as will those at the Scioto and the Muskingum. The companies at the mouth of the Miami to patrol to Clarkesville or below it if necessary.

If this arrangement should be consistent with the ideas of Congress, I shall direct it to be carried into execution.

I have the honor, Sir, to be, with great respect,

Your most Obedient humble Servant,

H. KNOX.¹

The Honorable M^r RAMSAY.

[APRIL 8.]

OFFICE OF SEC^y OF CONGRESS,

April 8, 1786.

The memorial of Jonathan Burrel, Jos. Bindon, and Edward Fox after stating that they have been employed as commissioners for settling the Accounts of three of the late staff departments and made such progress therein as to flatter themselves they should soon bring

¹ This letter is in the *Papers of the Continental Congress* No. 151, I, folio 195. According to indorsement it was read April 7 and referred to Mr. [Arthur] St. Clair, Mr. [James] Monroe, and Mr. [John] Kean.

APRIL 7: The following committee was appointed:

Mr. [William Samuel] Johnson, Mr. [William] Hindman, Mr. [William] Grayson, Mr. [David] Ramsay and Mr. [John] Lawrance, on "An Act of Connecticut of Oct, 1785, empowering the Delegates to make a cession of unlocated lands in the western part of that State." A report was rendered April 10. See *ante* January 18, 1786. An attested copy of the Connecticut Act, passed in the session of October, 1784, is in No. 30, folio 519.

On this day the committee of January 27 on the petition of sundry persons in the quartermasters department in Massachusetts, was discharged and "The papers to be returned to the Petitioners."

Committee Book No. 190.

Also, according to indorsement, was read a petition from John Fitch, dated Trenton, March 15, praying the "exclusive Priviledge of constructing Boats impelled by the Force of Steam, and the advantages arising from that discovery on all the Waters now belonging to the United States, particularly on the Ohio and Mississippi Rivers, for such length of time as your Honours may think proper." It is in No. 42, III, folio 131 and according to indorsement it was "Ordered to be filed."

Also was read a memorial of Jonathan Burrall, Joseph Bindon, and Edward Fox, on the difficulties they were encountering in settling the accounts of three of the late staff departments of the army. It is in No. 19, I, folio 453. See *post*, April 8 and April 12.

Also a letter of December, 1785, from John Adams to John Jay, in cipher, was referred back this day to the Secretary for Foreign Affairs to report. The cipher is in No. 84, VI, folio 43 and the translation is on folio 51. It relates to the attitude of Great Britain toward the United States.

that weighty and intricate business to such a close as would ensure them the Approbation of Congress, proceeds to represent in substance—

First. That numberless difficulties, inconveniences and delay in the settlement of the Accounts will be the consequence of a change—that it will be 12 or 18 Months before any person taking charge of the office of either of them can start from the part of the business where the Memorialists severally are; that even then he will not be so well qualified to proceed therein as the memorialists who have a kind of professional acquaintance with their duty, are conversant with the numerous resolutions of Congress, how long in force, when repealed and how altered and who have in memory many elucidations and have fixed principles with a view to the adjustment, which as well from their nature as from an expectation that they would finally close the Accounts they have not committed to writing.

Second. That several of the States have passed laws in Conformity to the resolution of Congress of feb^y 27, 1782, all which must be repealed and new Acts made in conformity to the new plan; that some of these Acts have been put in execution and the proceedings upon them are not finished.

With regard to the first the Secretary of Congress reports, That the United States in Congress assembled have come to a decision in their act of the 24 March last. With regard to the second as it may possibly be necessary for the board of treasury to take Order for obviating the inconvenience therein mentioned or at least to inquire into this matter, the Secretary of Congress reports,

That the memorial of Jonathan Burrel, Jos. Bindon, and Edward Fox so far as it relates to laws passed by the States in conformity to the recommendation of the 27 feb^y, 1782, and the proceedings thereon be referred to the Board of treasury.¹

MONDAY, APRIL 10, 1786.

Congress assembled: Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, and South Carolina; and from the State of New-Hampshire, Mr. [Pierse] Long, and from Maryland, Mr. [William] Harrison.

¹ This proceeding, in the writing of Charles Thomson, is in *Reports of the Secretary of Congress*, No. 180. See *post*, April 12.

The Committee [consisting of Mr. William Samuel Johnson, Mr. William Hindman, Mr. William Grayson, Mr. David Ramsay and Mr. Samuel Livermore] to whom was refer'd a Motion of the Delegates of the State of Connecticut, relative to a Cession of part of that States Claim to Western Territory beg leave to Report the following Resolution,

Resolved, That Congress in behalf of the United States, are ready to Accept all the Right, Title, Interest, Jurisdiction and Claim of the State of Connecticut, to certain Western Lands described in the form of a Deed of Cession, in the following Words to wit [here insert] tendered to Congress by the Delegates of s^d State, in pursuance of full Powers given them for that purpose, whenever the s^d Delegates shall execute the s^d Deed.¹

WEDNESDAY, APRIL 12, 1786.

Congress assembled. Present as on Monday.

The Secretary of the United States for the department of war, to whom was referred his Letter to Congress of the 16th of March Reports:

¹ This report, in the writing of [William Samuel] Johnson, is in the *Papers of the Continental Congress*, No. 30, folio 525. According to indorsement it was read April 10 and "April 20 Ordered to be considered on thursday 27 April. May 11th postponed to Monday 15th" A copy of Connecticut's deed of cession "as reported" is on folio 549.

APRIL 10: The following committee was appointed: Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean and Mr. [Charles] Pinckney, on "Letters from Com^{rs} for treating with the southern Indians with the treaties by them entered into with the Cherokees, Choctaws, and Chickasaws." Report was rendered May [April] 17.

"Two arrets of his Most Christian Maj^{ty} of Sept. 18 and Sept. 25, 1785" were referred to the Secretary for Foreign Affairs for translation.

"Their report of 17 July on M^r de Marbois Note. do 8 feb^r on M^r Otto's note" were referred to the Board of Treasury to report, as was also the report of the Secretary for Foreign Affairs on Pinckney's motion of March 1. The committees of March 2 and March 9 respectively, to which these matters had been referred, were this day discharged.

"A motion for calling in and cancelling all the certificate paper delivered to late q^r Master" was referred to the Board of Treasury to report.

Committee Book No. 190.

Also, according to indorsement, was read a letter of March 12 from Governor Richard Caswell, explaining the delay in sending the North Carolina representation to Congress. It is in No. 72, folio 237.

That since he had the honor to submit to Congress, M^r Campbells letter of the 20th of February relative to the stores at the falls of the Ohio, that a return of the said stores, have been received a copy of which is annexed. That it appears by the information of M^r Hodgdon late commissary of military stores, and the late Major Craig, who commanded the Artillery at Fort Pitt, that certain cannon and stores were lent by the United States to the state of Virginia, in the years 1781 and 1782 for the projected military operation under the orders of Brigadier General Clerk, which cannon and stores it is probable, remain at the falls of the Ohio. That the evidence whereon to found a precise charge of these articles is remote, partly depending on the books of the magazine in Virginia and partly on the papers of Major Craig which are at Fort Pitt.

It is the opinion of your Secretary that the stores and cannon stated in the return to be at the falls of the Ohio, would be necessary at the posts, which are or may be established in the western territory of the United States. That in order to ascertain the value of the said cannon and stores, the secretary at war shall direct the commanding officer of the artillery on the Ohio, or other experienced artillery officer to repair to the falls and there agree with the aforesaid M^r Campbell, or other lawful agent for the state of Virginia for the price of the respective articles which shall be transported to such of the posts of the United States as may be directed—

That regular duplicate accounts of said articles with the prices thereof, shall be made out and signed by the commanding officer of artillery on the part of the United States and the agent of Virginia; one of which accounts shall be transmitted to the war office of the United States, and the other to the executive of the commonwealth of Virginia.

That the value of such articles as shall be proved to have been lent to the state of Virginia, for the operations on the Ohio, shall be deducted from the aforesaid account and also the charge of transportation of such of the said articles as are now at the said falls to the posts where they are to be placed.

That the value of the articles being the property of the state of Virginia as agreed between the aforesaid agents of the United States and the state of Virginia shall be deducted by the board of Treasury

from the amount of the quota of the state of Virginia on the requisition of 1786.

All which is humbly submitted to Congress.

H. KNOX.¹

War Office, April 11th, 1786.

No. 1.

BOARD OF TREASURY,

April 8th, 1786.

SIR, We do ourselves the Honor of enclosing the Report of this Board upon the several References of Congress relative to the Establishment of a Mint for the United States of America.

We judge it necessary to submit several Principles for the Decision of Congress, previous to our making a Report on this subject, and on the Various Propositions that have been made for undertaking a Copper Coinage. Congress by their Act of the 6th July last resolved, that the Money Unit of the United States should be a Dollar, but did not determine what number of Grains of Fine Silver should constitute the Dollar.

We have concluded that Congress by their Act aforesaid, intended the common Dollars that are Current in the United States, and we have made our calculations accordingly. We have assumed various sums for the Money Unit, and find that there are several, which would make the decimal arithmetic more accurate, when compared with the Money of Account in the several States, than the Dollar which is current at four shillings and sixpence sterling. But if the Decimal arithmetic should be generally adopted in keeping of Accounts, This Inconvenience will soon be got rid of. Probably much sooner than that which might arise from assuming a new and unusual sum for the Dollar, or Money Unit.

The British Mint Price for a Pound Troy Weight of Standard Silver is Sixty two Shillings sterling, which is issued at the same Value after it is coined. It will appear from the Propositions we have submitted, that we have made a Difference of two per cent between coined and uncoined Silver, Which addition of two per Cent to the Coined Silver appears to us to be necessary on Account of Waste, and also to defray the Expense of Coinage.

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 171. According to indorsement it was read April 12. The inventory of the stores is in No. 150, I, on folio 191.

A Pound Troy Weight of Standard Silver of the United States will therefore be issued from their Mint at the Rate of three Pounds, three Shillings and three pence Sterling or, four pounds, four shillings and four pence lawful Money. The Money Unit or Dollar will contain three hundred and seventy five grains and sixty four hundredths of a Grain of fine Silver. A Dollar containing this number of Grains of fine Silver, will be worth as much as the New Spanish Dollars.

We have also considered Gold as being of a different Value before, and After it is coined, making an Allowance for Coinage of one half Per Cent. We find the Difference that Custom has established between Coined Gold and Coined Silver, in the United States, to be, nearly as one of the former to fifteen and Six tenths of the latter. We have endeavoured to preserve this relative Difference as we apprehend less inconvenience will arise from it among the Citizens of the United States, than from reducing the relative value, which however has been proposed by all those who have written upon the Subject of a Coinage for the United States; but it does not appear, from what they have said, that they had attended accurately to the real Difference which Custom has established between Gold and Silver in the United States. We find the relative Value between Gold and Silver to be as follows:

England: As 1 is to 15.210.

France: As 1 is to 14.458.

Spain: As 1 is to 14.85.

Holland: As 1 is to 14.44.

Portugal: As 1 is to 15.78.

America: As 1 is to 15.6 nearly.

The following Tables will shew the Value of Coined and [uncoined] Silver and Gold on the Principals above stated—

UNCOINED SILVER

Stand. Grains	Grs. fine	Std Silver	Dolls & Parts	Lawful M ^y	Sterling
5. 760	5. 280	1 lb	13. 777	£4. 2. 8	£3. 2. 0
480	440	1 oz.	1. 148	6. 10 $\frac{2}{3}$	0. 5. 2
20	18 $\frac{1}{3}$	1 Dwt.	0. 057	0. 0. 4	0. 0. 3 $\frac{1}{10}$
1	1 $\frac{1}{12}$	1 Gr.	0. 002	0. 0. 0 $\frac{1}{6}$	0. 0. 0 $\frac{1}{8}$

COINED SILVER

5. 760	5. 280	1 lb	14. 055	£4. 4. 4	£3. 3. 3
480	440	1 oz.	1. 171	0. 7. 0 $\frac{1}{3}$	0. 5. 6 $\frac{1}{4}$
20	18 $\frac{1}{3}$	1 Dwt.	0. 058	0. 0. 4 $\frac{1}{5}$	0. 0. 3 $\frac{1}{3}$
1	1 $\frac{1}{12}$	1 Gr.	0. 0028	0. 0. 1 $\frac{1}{6}$	0. 0. 0 $\frac{1}{8}$

UNCOINED GOLD

5. 760	5. 280	1 lb	209. 77	£62. 18. 7 $\frac{1}{2}$	£47. 3. 11 $\frac{3}{4}$
480	440	1 oz.	17. 481	5. 4. 10 $\frac{1}{2}$	3. 18. 8
20	18 $\frac{1}{3}$	1 Dwt.	0. 874	0. 5. 3	0. 4. 11 $\frac{1}{2}$
1	1 $\frac{1}{12}$	1 Gr.	0. 036	0. 0. 2 $\frac{1}{2}$	0. 0. 1 $\frac{1}{4}$

COINED GOLD

5. 760	5. 280	1 lb	210. 833	£63. 5. 0	47. 8. 9
480	440	1 oz.	17. 569	5. 5. 5	3. 19. 0 $\frac{1}{4}$
20	18 $\frac{1}{3}$	1 Dwt.	0. 878	0. 5. 3 $\frac{1}{2}$	0. 3. 11 $\frac{1}{4}$
1	1 $\frac{1}{12}$	1 Gr.	0. 036	0. 0. 2 $\frac{3}{4}$	0. 0. 2

COINED SILVER IN ENGLAND

5. 280 Grains..... £4. 1. 11 £3. 1. 5 $\frac{1}{4}$

COINED GOLD IN ENGLAND

5. 280 Grains..... £62. 6. 0 £46. 14. 6

Gold is receivable at the Several Banks in the United States, at the Rate of £48 Sterling, for a Pound Troy Weight. We have proposed that there shall be two Pieces of Gold the one equal to Ten Dollars, weighing 246.268 Grains of Fine Gold, and the other equal to Five Dollars weighing 123.134 Grains, fine Gold, which will preserve the Current value of Gold, very nearly the same as it is at present.

COPPER

Copper being a hard and impure Metal does not, as Gold and Silver, require any Alloy, to prevent its being impaired in Currency. We propose to divide Two pounds and one quarter of a pound Avoirdupois Weight of Copper into One hundred Coppers. They will be issued from the Mint at about the same Rate of advance that the British put upon their Copper Coinage, and will contain about Eight pC^t more Copper than the British half pence.

We should have submitted our Propositions on this subject sooner, if a sufficient Number of States had been convened to determine on the object of this Report. Our first Idea was to fix the Value of the Dollar or Money Unit at $4/2$ Sterling, and we had prepared Several Tables to shew the Operations of Decimal Computation when compared with that of the Money Account in the several States, valuing the Dollar at $4/2$ and at $4/6$ Sterling; but after mature Reflection, we judged it most advisable for the Reasons mentioned in the former part of our Letter, to adopt the Value of the Present Current Dollar, for the Money Unit; and to make our Report Conformably to it.

We have likewise enclosed a Report formed on the Principle of fixing the Dollar (or Money Unit) at $6/3$ Sterling, and have added to the Tables above mentioned certain Calculations which will shew the operation of the Decimal Arithmetic estimating the Dollar at $6/3$ or $12/6$ Sterling. Should the last sum be adopted for the Money Unit (which we are informed has been suggested), the Report last mentioned can be easily made conformably to it. In that case the Unit, will be a Money of Account (as the English Pound Sterling) and not an Actual Coin.

When Congress have determined the certain Value of the Money Unit, we shall be ready to Report immediately on the different Propositions which have been laid before that Honorable Body for the establishment of a Copper Coinage; an Object which becomes

daily of more Consequence, not only from the Foreign Importation of base Copper Coin; but from private Contracts made in some of the States for striking Copper, the Specimens of which are extremely base and ill executed.

We have the Honor to be etc.¹

No. 2.

The Board of Treasury to whom it was Referred to Report the Form of an Ordinance for the Establishment of a Mint, and the Proposals of sundry Individuals relative to Copper Coinage, Beg leave to Report to Congress—

That after a mature Consideration of this Subject, they are of Opinion, that it will be necessary to submit to their Consideration certain principles relative to the Weight and Alloy of Gold and Silver Coins, previous to the Establishment of the proposed Ordinance, they therefore submit the following Propositions:

That the Standard of the United States of America for Gold and Silver, shall be Eleven parts fine, and one part Alloy.

That the Money Unit of the United States (being by the Resolve of Congress of the 6th July last a Dollar) shall contain of fine Silver, three hundred and seventy-five Grains and Sixty-four Hundredths of a Grain. That the Money of Account (to correspond with the Division of Coins agreeably to the above Resolve) shall proceed in a Decimal Ratio agreeably to the Forms and Manner following, viz:

Mills (the lowest Money of Account of which One thousand shall be equal to the Federal Dollar or Money Unit.....)	0. 001
Cents (the highest Copper piece), of which One hundred shall be equal to the Dollar.....)	0. 010
Dimes (the lowest Silver Coin) ten of which shall be equal to the Dollar..)	0. 100
Dollar (the highest Silver Coin).....)	1. 000

That betwixt the Dollar and the lowest Copper Coin, as fixed by the Resolve of Congress of the 6th July last there shall be three Silver Coins and one Copper Coin. That the Silver Coins shall be as follows:

One Coin Containing one hundred and eighty-seven Grains and eighty-two hundredths of a Grain of fine Silver to be called..... A Half Dollar.

One Coin containing Seventy five Grains and one hundred and twenty eight Thousandths of a Grain of fine Silver to be called..... A Double Dime.

¹This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 131.

And one Coin containing thirty seven Grains and five hundred and sixty four thousandths of a Grain of fine Silver to be called..... A Dime.

That the two Copper Coins shall be as follows: One equal to the one-hundredth part of the Federal Dollar to be called..... A Cent.

And one equal to the two-hundredth part of the Federal Dollar to be called..... A Half Cent.

That two pounds and a quarter Avoirdupois Weight of Copper shall constitute one hundred Cents.

That there shall be two Gold Coins: One containing two hundred and forty-six Grains and two hundred and sixty-eight thousandths of a Grain of fine Gold, equal to Ten Dollars, and to be stamped with the impression of the American Eagle, and to be called..... An Eagle.

One containing one hundred and twenty three Grains and one hundred and thirty four thousandths of a Grain of fine Gold equal to Five Dollars and to be stamped in like manner and to be called..... A Half Eagle.

That the Mint price of a pound Troy Weight of uncoined Silver, Eleven parts fine, and one part Alloy, shall be Nine Dollars, nine Dimes, and two Cents.

The Mint price of a pound Troy Weight of uncoined Gold, Eleven parts fine, and one part Alloy, shall be Two hundred and nine Dollars, seven Dimes, and seven Cents.

All of which is humbly submitted to the Judgment of Congress.¹

April 8th, 1786.

The following Observations on the Principles upon which the above Report is founded are Annexed for the consideration of Congress.

M^r Jefferson in his Notes on the Establishment of a Money Unit and on a Coinage for the United States, observes—

That in fixing the Unit of Money these circumstances are of Principal Importance.

1st. “That it be of convenient size to be applied as a measure to the common Transactions of Life.”

2^d. “That its Parts and Multiples be in an easy proportion to each other, so as to facilitate the Money Arithmetic.”

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 139.

3^d. "That the Unit, and its Parts or Divisions, be so nearly the value of some known Coins, as that they may be of easy adoption for the People."

"That the Spanish Dollar seems to fulfill all these Conditions"

It is readily acknowledged that no Money Unit can be adopted by the United States, that will be so familiar to, and well known by the People, as the Dollar that is generally Current at four Shillings and sixpence Sterling; and that the size will be convenient as a common measure.

If there should be any objections against adopting it, they must arise from the Decimal Divisions of it. It is probable, that some other Sum might be adopted for the Money Unit, which would free the Decimal Arithmetic from those inconveniences which are occasioned by Quantities that cannot be noted down Decimally, or when noted down, do not correspond with the value of any known Coins. If the common Dollar should be fixed upon as a Money Unit, the Cents, will not correspond with any Copper Coin known in the United States. A single Cent will be about Eight per Cent better than a British half pence.

In the aforesaid Notes it is observed, That should the Unit be fixed at three hundred and sixty-five Grains of fine Silver, Gold at fifteen for one (or rather at one for fifteen), and the Alloy of both be one-twelfth, the Weight of the Coins will be as follows:

The Golden piece containing $243\frac{3}{4}$ Grains of pure Metal, 22.12 Grains of Alloy will weigh 11 Dw^t, 14.18 Grains.

The Unit or Dollar containing 365 Grains of pure Metal 33.18 Grains of Alloy, will Weigh 16 Dw^t, 14.18 Grains.

The half Dollar, or five Tenths containing $182\frac{1}{2}$ Grains of pure Metal 16.59 Grains of Alloy will weigh 8 Dw^t 7.09 Grains.

The fifth or Pistereen containing 73 Grains of pure Metal, 3.318 Grains of Alloy, will weigh 1 Dw^t 15.818 Grains.

The twentieth, or half Bit containing $18\frac{1}{4}$ Grains of pure Metal, 1.659 Grains of Alloy, will weigh 19.9 Grains.

It is necessary to assume a Principle by which we may determine whether the above Weights are right. And for this purpose let us adopt the value of a Pound Troy Weight of Silver, the same as the British have done, viz. 62/. Sterling without making any Allowance for the difference of Alloy. Let there be allowed for Waste and

Expence of Coinage two per Cent for Silver and one half per Cent for Gold:

744^d:5.280::54:383.225
 102:100::383.225:375.71

Therefore the Unit or 54^d Sterling ought to contain 375.71 Grains fine Silver.

	375. 71 Gr ^s fine Silver
In 54 ^d British Money there are.....	385. 365 d ^s
Difference.....	<u>9. 715</u>
Mr. Jefferson places 54 ^d at.....	365. Gr ^s pure Metal
Difference between this and British.....	<u>20. 365</u>
	385. 365

M^r Jefferson therefore proposes to Issue a Peice of Silver Money nominally worth 54^d Sterling; but really 5½ p. Cent less valuable. The piece of Gold equal to Ten dollars ought to—

Weigh.....	250. 42 Gr ^s pure
Proposed Weight.....	<u>243. 333</u>
Difference.....	7. 087

To issue a Golden Coin in England equal to 540^d it should contain of—

Fine Gold.....	254. 14 Gr ^s fine
Proposed Weight.....	<u>243. 333</u>
Difference.....	10. 807

If Congress should adopt M^r Jefferson's plan, then we should have Gold and Silver Coins about 5 p. Cent less valuable than British Money.

As this is too great an Allowance for Waste and Expence of Coinage, the pieces mentioned by M^r Jefferson, ought to Weigh as follows, making an Allowance of two per Cent for Silver and an half per Cent for Gold for Coinage, &c.

SILVER PIECES

The Money Unit or Dollar.....	375. 71 Gr ^s fine Silver
The half Dollar.....	187. 85
The Pistereen or two tenths.....	75. 14
The Tenth.....	37. 57

GOLD PIECES

(Relative value 1 for 15)

One equal to Ten Units.....	250. 42
One equal to five Units.....	125. 21

To make the above Weights of Gold correspond with the following Calculations, there ought to be three per Cent added to the 375.71 Grains of fine Silver in the Money Unit.

As 252^d or 21/Stlg is to 118.65 Grains fine Gold in a Guinea, so is 540^d or 10 Dollars to the number of Grains of fine Gold that there should be in 540^d agreeably to the British

$$\begin{array}{l} 252^d:118.65::540^d:254.14 \\ 100.5:100::254.14:252.875 \end{array}$$

Therefore to deduct half per Cent for Coinage there ought to be in Ten Dollars 252.875 Grains fine Gold.

If it should be thought best to preserve the same relative value between Gold and Silver that Custom has Established, in the United States, then the two pieces of Gold above mentioned ought to weigh as follows: One hundred and twenty-six Grains of Standard Gold of England passes in the United States for 252^d Sterling. The pound Troy Weight of Standard Gold is therefore worth £48 Sterling.

$$\begin{array}{l} 126:252^d::5.760:11.520^d \text{ equal to } \text{£}48 \text{ Sterling} \\ 11.520^d:5.280::540^d:247.5 \text{ or} \\ \quad \quad \quad 12 \\ 11.520^d:5.760::540^d:270/22.5 \\ \quad \quad \quad 22.5 \\ \hline \quad \quad \quad 247.5 \end{array}$$

As 100.5:100::247.5:246.268

As 252:126::540^d:270 Gr^s Standard Gold in Ten Dollars.

The true relative value between Gold and Silver Coins in England is as follows: 5.280 Grains of fine Silver pass for 61/5¼ Stlg: and 5.280 Grains of fine Gold pass for 11.214^d Sterling.

$$\begin{array}{r} 61.5\frac{1}{4} \qquad \qquad 11.214 \\ 12 \qquad \qquad \qquad 4 \\ \hline 737 \qquad \qquad 2949)44.856(15.210 \text{ true difference in England.} \\ 4 \\ \hline 2949 \end{array}$$

If therefore the Money Unit contains of fine Silver 375.71 Gr^s ten times that Number will be 375.710 which divided by the number of Grains in the piece of Gold equal to Ten Dollars, will be 246.268/375.710/15.256. relative difference in the United States.¹

No. 3.

PRINCIPLES FOR ESTABLISHING A COINAGE, VALUING THE DOLLAR AT
4/2 STERLING.

The Board of Treasury, to whom it was Referred, to Report the Form of an Ordinance for the Establishment of a Mint, and the proposals of sundry Individuals relative to Copper Coinage, Beg leave to Report to Congress:

That after a mature consideration of this Subject, they are of Opinion, that it will be necessary to submit to their consideration certain principles relative to the Weight and Alloy of Gold and Silver Coins, their proposed relative value, the price of Foreign Coin, and the Money of Accompt previous to the Establishment of the proposed Ordinance.

That the Standard of the United States of America for Gold and Silver, shall be Eleven parts fine, and one Alloy.

That the Money Unit of the United States (being by the Resolve of Congress of the 6th July last, a Dollar) shall contain of fine Silver, Three hundred and fifty Grains, and nine-tenths of a Grain.

That the Money of Accompt (to correspond with the divisions of Coins agreeably to the above Resolve) should proceed in a Decimal Ratio, agreeably to the forms and manner following viz.

Mills (the lowest Money of Accompt), of which one thousand shall compose the Federal Dollar, the Money Unit.....	0. 001
Cents (The highest Copper Coin), of which Ten should constitute a Coin, to be stiled a Dime, equal to Mills.....	0. 010
Dimes (The lowest Silver Coin), of which Ten shall compose a Dollar, each of which to be equal to Mills.....	0. 100
Dollar (The highest Silver Coin), equal to Mills.....	1. 000

¹ These Observations follow immediately after the Board of Treasury's report No. 2 of April 8. The last page is indorsed, on verso, by Thomson: "Read April 12. 1786 Wednesday April 19 assigned for consideration." The report was printed and a copy is in No. 139, folio 193. With p. 9 of the printed report is a contemporaneous ms. note, in the writing of a clerk, charging the Board of Treasury with incorrectly stating Jefferson's proposition and quoting his exact words.

That betwixt the Dollar (the Money Unit which will be represented by a Coin containing the Quantity of fine Silver as specified in the first proposition) and the lowest Copper Coin (as fixed by the Resolve of Congress of the 6th July last) there shall be three Silver Coins, and one Copper Coin.

That the Silver Coins shall be as follows:

One Coin containing one hundred and seventy-five Grains, four-tenths, and one-twentieth part of a Grain of fine Silver, to be called..... a half Dollar.

One Coin containing Seventy-One Grains and eight-tenths of a Grain of fine Silver, to be called..... a Double Dim[e].

One Coin containing thirty-five Grains and $\frac{900}{1000}$ of a Grain of fine Silver, to be called..... a Dim[e].

That the Two Copper Coins shall be as follows: One Equal to one hundredth part of the Federal Dollar to be called a Cent.

One equal to the Two hundredth part of a Federal Dollar to be called..... a half Cent.

That two pounds Avoirdupois Weight of Copper shall constitute one hundred Cents, and so on in proportion of the lowest Copper Coin.

That there shall be two Gold Coins: One containing $237\frac{1}{10}$ Grains of fine Gold equal to Ten Dollars, to be stamp with the impression of an Eagle and called by the name..... Eagle.

The other containing $118\frac{8}{100}$ Grains of fine Gold equal to Five Dollars, stamp in like manner and called..... Half Eagle.

That the Mint price for One pound Weight Troy of Gold eleven parts fine and one part Alloy, should be two hundred and twenty Dollars, Eight Dimes, three Cents, and two Mills.

That the Mint price of a Pound Troy of Silver, Eleven parts fine, and one part Alloy, should be fourteen Dollars, seven Dimes, four Cents and six Mills.

That the Gold Coin of the United States of America shall be one-half per Cent above the Mint price.

That the Silver Coin of the United States of America shall be Two per Cent above the Mint price.

That Foreign Coin shall be Current at the Treasury of the United States at the Mint price.

That after the Year no Foreign Brass or Copper pieces shall be Current in the United States of America.

GOLD

Thirty Louis d'Ors of 24 Livres each, ought to weigh a Mark of Eight Ounces; But they are lawful, if the 30 Louis d'Ors want 15 Grains in the whole. This allowance is called the Remedy of Weights.

The Standard is 22 Carats fine; but Louis d'Ors are lawful when they are 21 $\frac{2}{32}$ Carats fine. This Allowance is called the Remedy of Law.

Price of Gold @21 $\frac{2}{32}$ is 709 Livres p. Mark of 8 Ounces. Mark of 8 oz. makes 30 Louis d'Ors, Value 720 Livres. Expence of Coinage and Waste about 2 Livres on the Mark. Profit to the Sovereign 9 Livres p. Mark, or $\frac{1}{16}$ p. Cent.

SILVER

Eight 6-Livre pieces and $\frac{3}{10}$ ought to Weigh a mark of 8 oz., but are lawful Currency when the pieces differ only 36 Grains p. each Mark.

Standard, eleven parts fine, and one part Alloy. But they are Current 3 and 6 Livre pieces @10-21: that is, three Grains short of the Standard.

Price of Silver, 48 Livres 9 Sous p. Mark. Standard 10.21. A Mark gives 8 six-Livre pieces and $\frac{3}{10}$ or 49 Livres, 16 Sous. Expence of Coinage and Waste 14 $\frac{1}{2}$ Sous p. Mark. Profit, 12 $\frac{1}{2}$ Sous p. Mark or 1 $\frac{1}{4}$ p. Cent.

A Mark of Gold after Coined is 720 Livres. A Mark of Silver after Coined is 49 Livres, 16 Sous.

49. 16	720
20.	20
996	740

996)14,400(14.458, difference between Gold and Silver in France.

In England it is 15.072; therefore as 14.458:100::15.072:104.25. The difference therefore in favor of Gold in England is about 4 $\frac{1}{4}$ p. Cent more than in France.

If the United States place the difference at 14.75 it will be nearly a mean between France and England 14.75:100::15.072:102.115, nearly 2 p. C^t in favor of England 14.75:100::14.458:98, about 2 p. C^t better than in France. A Pound Weight Troy of Gold, Eleven Twelfths fine, is divided in England into 44 $\frac{1}{2}$ Guineas = £46:14:6.

As no profit is to be made by the Public, on Coinage, it will be sufficient to allow an half p. Cent for the Waste and Expence of the Coinage of Gold. And two p. Cent for the Waste and Expence of the Coinage of Silver.

In a Pound Troy Weight of Gold, there are of fine Gold 5,280 Grains. Deduct half p. Cent for Coinage viz.

$$100:0.5::5,280:26.4$$

26.4

5, 253. 6

Thus 5,253.6 Grains of fine Gold Coined, will be equal to 5,280 Grains of uncoined Gold.

In a Pound Weight, Troy, of Silver, there are of fine Silver 5,280 Grains,—Deduct 2 p. Cent for Coinage &c.

$$100:2::5,280:105.6$$

105.6

5, 174. 4

Thus 5,174.4 Grains fine Coined Silver are equal to 5,280.

It is proposed that the Federal Dollar shall be equal to 4/2 Sterling, excepting the 2 p. Cent for Coinage.

How many Grains, then, ought the Federal Dollar to contain of fine Silver, that it may be just 2 p. Cent less valuable than 4/2 Sterling?

In a pound Weight Troy, of Standard Silver of England, there are Grains of fine Silver, 5,328; which are divided into 62/ Sterling or 744^d. If two per Cent be deducted from this number of Grains, and the remainder is divided into 62/ Sterling or 744^d, then we shall have a principle to find the number of Grains, that 4/2 Sterling ought to contain, allowing it to be 2 p. Cent less valuable, than 50^d of British Money,

$$100:2::5,328:106.56$$

106.56

5, 221.44

Therefore, in the Currency of the United States, there will be in 62/ Sterling or 744^d 5,221.44. Now if 744^d has 5,221.44 Grains of fine Silver, what ought the Federal Dollar or 50^d to have?

$$744:5,221.44::50:350.9$$

A Federal Dollar therefore upon the above principles, must have 350⁹/₁₀ Grains of fine Silver.

As the proposed Standard for Silver is 1¹/₂ fine, there will consequently be in a pound Weight Troy of fine Silver, 5,280 Grains which divided by 350⁹/₁₀ Grains will give the Dollars that the same must be divided into.

$$\begin{array}{r}
 350.9)5,280(15.047 \\
 \underline{3.509} \\
 17710 \\
 \underline{17545} \\
 16500 \\
 \underline{14036} \\
 24640 \\
 \underline{24563} \\
 .77
 \end{array}$$

consequently a pound Weight Troy will be divided into fifteen Dollars, no Tenths, four Cents and seven Mills.

If 5,221.44 Grains of fine Silver has 744^d what will 5,280, the number of Grains of fine Silver in a pound of the proposed Standard, have? 5,221.44:744::5,280:752^d⁹/₁₀ which are equal to 15 Dollars, no Dimes, 4 Cents, and 7 Mills as above.

From the above may be ascertained the price that must be given at the Mint, for a Pound of Standard Silver; for every 100 Grains that the Mint gives it must receive one hundred and two in Exchange. As a Standard Pound contains 5,280 Grains of fine Silver, if two p. Cent is deducted therefrom, and the remainder divided by 350.9, the Quotient will be the amount that must be given for the same in Dollars and parts of Dollars.

$$\begin{array}{r}
 100:2::5,280:105.6 \\
 105.6
 \end{array}$$

$$\begin{array}{r}
 350.9)5,174.4(14.746 \\
 \text{Difference of 2 p. C^t is} \text{-----} \quad .301 \\
 \underline{\hspace{10em}} \\
 15.047
 \end{array}$$

This Calculation is made upon the Grains of fine Silver. It may be proved this way by the Money of Account:

$$\begin{array}{r}
 100:2::15.047:.301 \\
 \hline
 301 \\
 \hline
 14.746
 \end{array}$$

Having ascertained what is to be given for a pound Weight Troy of fine Silver as Bullion, we proceed to the Division thereof:

	Dolls.	Parts	
1 lb is	14.746		= 61 ⁵ / ₄ ¹ / ₂
1 oz. is	1.228		= 5 /1 ³ / ₄
1 Dw ^t is	0.060		= /3 ^d
1 Grain is	0.0025		= ¼

The weight of the Federal Dollar with the Alloy..... 382.8 Grains.
 15.047)5.760(382.8. Deduct ½ which proves the
 whole..... 31.9
 350.9

From the foregoing Calculations it will be easy to make the necessary divisions of the Silver Coin.

GOLD

It is proposed that the difference between Gold and Silver shall be as 1:14.75. When the value of Silver is established, and the difference between that and Gold, the necessary Calculations may soon be made; Calculating agreeably to the above difference, 14.75 × 5,253.6 the number of fine Grains of Gold in a Pound Troy, after deducting therefrom half p. Cent for Coinage, will be the number of Grains of fine Silver that must be given for a Pound Troy, of Uncoined Gold.

$$\begin{array}{r}
 100:0.5::5,280:26.4 \\
 \hline
 26.4
 \end{array}$$

$$5,253.6 \times 14.75 = 77,490.60$$

the number of Grains of fine Coined Silver, that must be given for 5,280 Grains of fine Uncoined Gold, which divided by 350.9 gives the Dollars and parts thereof, which must be given for the same. 350.9)77,490.60(220.832 Dollars and parts.

If then 5,253.6 fine Coined Gold has 220 Dollars, 8 Dimes, 3 Cents and 2 Mills what will 5,280 have, the number of Grains of fine Gold in a pound Troy of Standard Gold, after it is Coined?

$$5,253.6:220,832::5,280:221.943$$

Thus it appears that a Pound Troy of Standard Gold after Coined will be worth 221 Dollars, 9 Dimes, 4 Cents and 3 Mills.

The Proportion of Coined Silver to be given for Uncoined Gold, will be as follows:

1 lb uncoined Gold	=	220. 832	}	Dollars and Parts that must be given for Uncoined Gold.
1 oz.	d ^o	= 18. 402		
1 Dwt.	d ^o	= 0. 920		
1 Grain	d ^o	= 0. 038		

All Coined Gold will be 14.75 more than Coined Silver.

From these Calculations may be made the following Tables:

UNCOINED SILVER

Standard Grains.	Grains fine.	Standard Silver.	Dollars.
5, 760	5, 280	1 lb.	14. 746 = £3:1:4½
480	440	1 oz.	1. 228 = " 5:1¾
20	18½	1 Dwt.	0. 060 = " " 3.
1	1½	1 Grain.	0. 0025 = " " ¼

COINED SILVER

5, 760	5, 280	1 lb.	15. 047 = £3:2:8¾
480	440	1 oz.	1. 254 = " 5:3
20	18½	1 Dwt.	0. 062 = " " 3¼
1	1½	1 Grain.	0. 0025 = " " ¼

UNCOINED GOLD

5, 760	5, 280	1 lb.	220. 832 = £46: 0:1¼
480	440	1 oz.	18. 402 = 3:16:8¾
20	18½	1 Dwt.	0. 920 = 0: 3:9¾
1	1½	1 Grain.	0. 035 = 0: 0:1¼

COINED GOLD

5, 760	5, 280	1 lb.	221. 943 = 46: 4:9¾
480	440	1 oz.	18. 495 = 3:17:1
20	18½	1 Dwt.	0. 925 = 0: 3:9¾
1	1½	1 Grain.	0. 038 = 0: 0:1¼

Difference between Gold and Silver. In
 England: As 1 is to 15.72.
 France: As 1 is to 14.53.
 Spain: As 1 is to 14.85.
 Holland: As 1 is to 14.44.
 Portugal: As 1 is to 15.78.

A Louis d'or contains $117\frac{1}{2}$ Grains of fine Gold.

An English Guinea contains 118.6 Ditto.

The Louis d'ors is worth in France of fine

silver..... $117.3 \times 14.458 = 1,695.923$ Grains.
 In England it would be worth..... $117.3 \times 15.725 = 1,768.$

Difference..... 72.077

The Guinea is worth in England, Grains of

fine silver..... $118.6 \times 15.725 = 1,787.298$
 And would be worth in France no more than $118.6 \times 14.458 = 1,714.718$

Difference..... 72.580

As Coined Gold the Guinea will be worth in the United States $118.6 \times 14.75 = 1,749.35$ Grains fine Silver = 4.985 Dol^s or 20/9½.

As Coined Gold the Louis d'or will be worth in the United States $117.3 \times 14.75 = 1,730.175$ Grains fine Silver = 4.93 Dol^s or 20/6½ Stl^{rs}.

The above Calculations are more upon the supposition that English and French Weights are the same. But this not being the case, the calculations will vary accordingly.

As American and English Weights are the same the comparison between French and English Weights will afford a true principle for Calculation.

The comparison between French and English Weights is viz. The French Ounce is $\frac{1}{4}$ of the Mark and contains 576 Grains. It is lighter than that of London by $\frac{1}{4}$, that is to say, 64 ounces of France weigh only 63 Ounces English, and of course the English Ounce weighs $585\frac{1}{2}$ Grains of the French Mark.

	French	=	English
The French Mark weighing 8 Ounces.....	4,608	=	3,780 Grains
The Ounce weighing 8 Drachms.....	576	=	472½
The Drachm weighing 3 pennywt.....	72	=	59¼ ₆
The Penny Weight.....	24	=	19¼ ₆
The Louis d'or.....	153¾ ₁₀	=	
The English pound of 12 Oz.....	7,021¾	=	5,760
1 Oz.....	585½	=	480
1 Dwt.....	29¾ ₃₇	=	24
The English Guinea.....	157¾ ₄₉₃	=	129¾ ₆

COPPER

Copper being a hard and impure Metal, does not as Gold and Silver require any Alloy to prevent its being impaired in Currency.

It is proposed that a Pound Avoirdupois Weight, shall be divided into fifty Coppers, and also into One hundred half Coppers: But this division is proposed, upon a supposition, that the Dollar will be fixed agreeably to the above Calculations. If that should be altered; this Division should also be altered.

The following Tables are calculated to shew how the Decimal Arithmetic will operate in the Divisions of a Crown at 5/—a Dollar at 4/6. and a Dollar at 4/2 Sterling Money.

* * * * *

No. 4.

PRINCIPLES FOR ESTABLISHING A COINAGE VALUING THE DOLLAR AT 6/3 STERLING.

The Board of Treasury to whom it was referred to Report the Form of an Ordinance for the Establishment of a Mint, and the Proposals of Sundry Individuals relative to Copper Coinage, Beg leave to Report to Congress:

That after a Mature Consideration of this Subject, they are of Opinion that it is necessary to submit to the Consideration of Congress certain principles relative to the Weight and Alloy of Gold and Silver Coins, their proposed relative Value, the Value of Foreign Coin, and the Money of Account previous to framing the proposed Ordinance. They therefore submit the following propositions.

That the Standard of the United States of America, for Gold and Silver shall be eleven parts fine and one part Alloy.

That the Money Unit of the United States (being by the Resolve of Congress of the 6th July last a Dollar) shall contain of fine Silver, Five hundred and twenty-one Grains and seventy-three hundredths of a Grain.

That the Money Account to Correspond with the Divisions of the Coins agreeably to the above Resolve, Shall proceed in a Decimal Ratio according to the Terms and Measures, following—

Mills (the lowest Money of Account), of which One thousand shall be equal to the Money Unit or Dollar-----	0. 001
Cents (the highest Copper Piece), of which One hundred shall be equal to the Dollar-----	0. 010
Dimes (the lowest Silver Coin), of which ten shall be equal to the Dollar.	0. 100
Dollar (the highest Silver Coin)-----	1. 000

¹ These tables, five in number, give the decimal arithmetic as noted and also at 12/6 Sterling. They have merely a minor value and are readily available in printed form in the Continental Congress Broad-sides in the Library of Congress.

That between the Dollar and lowest Copper Coin as fixed by the Resolve of Congress of the 6th of July last there shall be three Silver Coins and one Copper Coin.

That the Silver Coins shall be as follows:

One Coin containing two hundred and sixty Grains and Ninety-six hundredths of a Grain of fine Silver to be called
----- An half Dollar.

One Coin containing One hundred and four Grains and three hundred and forty-six thousandths of a Grain of fine Silver to be called
----- A Double Dime.

One Coin containing fifty-two Grains and One hundred and Seventy-three thousandths of a Grain of fine Silver, to be called
----- A Dime.

That there shall be three Gold Coins, as follows:

One Containing three hundred and forty-seven Grains and Eighty-two hundredths of a Grain of fine Gold, equal to Ten Dollars, to be stamped with the impression of the American Eagle, and to be called
----- An Eagle.

One Containing one hundred and seventy-three Grains and Ninety-Six hundredths of a Grain of fine Gold to be stamped in like manner, and to be called
----- An half Eagle.

And One Containing Eighty-six Grains and Ninety-Eight hundredths of a Grain of fine Gold, to be stamped in like manner and called
----- A Quarter of An Eagle.

That the Mint Price for One Pound Troy Weight of Uncoined Gold eleven parts fine and one part Alloy shall be one hundred and fifty-One Dollars, no Dimes, three Cents, and Eight Mills.

That the Mint Price of a Pound Troy Weight of Uncoined Silver, eleven parts fine and one part Alloy shall be Nine Dollars, nine Dimes, and two Cents.

That Foreign Coin shall be current at the Treasury of the United States, at the Mint Price.

That the two Copper Coins shall be as follows:

One equal to the One hundreth Part of a Federal Dollar, to be called
----- A Cent.

And One equal to the two hundreth Part of the federal Dollar, to be called
----- An half Cent.

That three pounds Avoirdupois Weight of Copper shall be divided into One hundred Cents.

Remarks on the within Report.

If the federal Dollar or Money Unit of the United States should be fixed at $\frac{8}{4}$ lawful Money, the Decimal arithmetic will be more accurate and exact, than if it should at either $\frac{4}{6}$ or $\frac{4}{2}$ Sterling, and the divisions would Correspond with the known Coins.

The Standard for Silver of Great Britain is 11 Ozs. 2 Dwts. fine, and 18 dwts. Alloy in the Pound Troy.

As it is proposed that the Standard for Silver of the United States shall be eleven parts fine, and one part Alloy, there will be a Difference of $\frac{1}{10}$ of one per Cent in favor of the British Standard for Silver.

A pound Troy Weight of Silver in England contains 5,328 Grains of fine Silver, and when Coined is issued to the Public at the Rate of $\frac{62}{8}$ Sterling or $\frac{82}{8}$ lawful Money.

If therefore two per Cent should be allowed for Waste and Coinage and this is added to the $\frac{82}{8}$ it will amount to $\frac{84}{4}$ which is equal to 1,012^d.

The following Proportion will shew the Quantity of fine Silver, that the federal Dollar must contain 1,012^d:5,280::100:521.73 Grains of fine Silver.

The two per Cent for Coinage and the $\frac{1}{10}$ of one per Cent Difference of Alloy, will make the real Difference between American and British Silver Money $\frac{2}{10}$ per Cent in favor of the British.

If the relative Value between Gold and Silver should be fixed, as one of the former to fifteen of the latter, and there should be a difference in favor of Coined Gold, when compared with Uncoined Gold, of one-half per Cent, the following Calculations will shew the Number of Grains of Gold, that the Gold Pieces ought to Contain.

As the Pound Troy of Silver is equal to 1,012^d the Pound Troy of Gold at the Difference of one for fifteen, will be equal to 15.180^d

If 5,280 Grains of fine Gold when coined shall be worth 15.180^d then a thousand pence or Ten Dollars will have 347.82 Grains of Fine Gold.

$$15.180:5,280::1,000:347.82$$

If there should be three Gold Coins their Weight and Value will be as follows:

1	Piece equal to 1,000 ^d or ten Dollars;	Weight 347.82 Grs. fine G ^d
1	Ditto 500 ^d or five Dollars;	D ^o 173.91 D ^o
1	D ^o 250 ^d or 2½ Dollars;	D ^o 86.95 Ditto.

The following Tables Shew the Relative Value of Coined and Uncoined Silver and Gold on the Principles of the within Report:

UNCOINED SILVER

Stand ^d Grs.	Grs fine.	Stand ^d Silver			
5,760	5,280	1 lb.	9.92	£4.2.8	£3.2.0
480	440	1 oz.	.826	6.10 $\frac{2}{3}$	5.2
20	18 $\frac{2}{3}$	1 dwt.	.040	4	3 $\frac{1}{10}$
1	1 $\frac{1}{12}$	1 Gr.	.001	0 $\frac{1}{2}$	0 $\frac{1}{2}$

COINED SILVER

5,760	5,280	1 lb.	10.12	£4.4.4	£3.3.3
480	440	1 oz.	.843	7.0 $\frac{2}{3}$	5.6 $\frac{1}{4}$
20	18 $\frac{2}{3}$	1 dwt.	.042	4 $\frac{1}{2}$	3 $\frac{2}{3}$
1	1 $\frac{1}{12}$	1 Gr.	.001	0 $\frac{1}{2}$	0 $\frac{1}{2}$

UNCOINED GOLD

5,760	5,280	1 lb.	151.035	£62.18. 7 $\frac{1}{2}$	£47. 3.11 $\frac{3}{4}$
480	440	1 oz.	12.486	5. 4.10 $\frac{1}{2}$	3.18. 8
20	18 $\frac{2}{3}$	1 Dwt.	.624	5. 3	4.11 $\frac{1}{2}$
1	1 $\frac{1}{12}$	1 Gr.	.026	0. 2 $\frac{1}{2}$	1 $\frac{3}{4}$

COINED GOLD

5,760	5,280	1 lb.	151.8	£63.5.0	£47. 8. 9
480	440	1 oz.	12.65	5.5.5	3.19. 0 $\frac{3}{4}$
20	18 $\frac{2}{3}$	1 dwt.	.632	5.3 $\frac{1}{2}$	0. 3.11 $\frac{1}{2}$
1	1 $\frac{1}{12}$	1 Gr.	.026	2 $\frac{1}{4}$	1 0. 0. 2 ¹

¹ This report is in the *Papers of the Continental Congress*, No. 139, folio 179. According to indorsement it was read April 12 and passed August 8, 1786. All four of these reports were printed in one document by the Congress (a 28 pp. 4° pamphlet) between April 12 and April 19.

APRIL 12: The following committee was appointed: Mr. [William Samuel] Johnson, Mr. [Edward] Carrington, Mr. [Nathaniel] Gorham, Mr. [Rufus] King and Mr. [Pierce] Long, on the memorial of Jonathan Burrall, Joseph Bindon and Edward Fox. Report was rendered April 20.

THURSDAY, APRIL 13, 1786.

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

OFFICE OF SECRETARY OF CONGRESS,
April 13, 1786.

On the petition of Anthony Paulint, late a captain in general Hazen's regiment, who served till the 1 Jan^y, 1781, stating his services and losses, and that he has rec^d a certificate N 32 of the balance of pay due to him amounting to 1,753²/₉₀ dollars; that wishing to avail himself of the generous offer made to the Canadians by the State of New York, of land on lake Champlain but not having the means of beginning a new settlement, providing stock and utensils of husbandry and supporting a large family of Children without the assistance of Congress and praying Congress to consider his situation and grant him relief.

Agreed 17 April. The Secretary of Congress reports, That the petition of Anthony Paulint be referred to the board of treasury, to consider the case and situation of the Canadian refugees and report.¹

On the petition of Gotlieb Meyer and Peter Witig in behalf of themselves and others later bakers for the Army, praying to be allowed for depreciation on their pay, the Secretary of Congress reports:

That by the resolution of May 3, 1777, Christopher Ludwick was appointed Superindant of bakers and had power to regulate their pay; that by sundry memorials of the s^d C. Ludwick it appears that he varied their pay from time to time and that being paymaster as well as Superintendant he paid the bakers their wages every two months, adding a few dollars more from time to time as the money

¹ This entry, in Thomson's writing, is in *Reports of the Secretary of Congress*, No. 180.

grew worse. On this state of facts the Sec^y of Congress submits—
 That the petition of Gotlieb Meyer and Peter
 Agreed to 17 April Witig be filed.¹

MONDAY, APRIL 17, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Maryland, Virginia, and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Pennsylvania, Mr. [John Bubenheim] Bayard.

The delegates for the Commonwealth of Massachusetts, laid before Congress the following Act of the legislature of that state, empowering them, in conjunction with the Agents of New York, to nominate judges for a federal court, to settle a controversy between those states, relative to the Western Lands.

Commonwealth of Massachusetts, in Senate, December 1, 1785.

² Whereas it is necessary that some persons be specially authorised to represent this State in the appointment of a federal Court, to hear and determine a certain controversy now subsisting between this Commonwealth and the State of New York, respecting a certain territory to which that Government and this make claim.

Resolved, That the Delegates who shall actually represent this commonwealth in Congress the current year, or any two of them, be,

¹ This entry, in the writing of Thomson, is in the *Reports of the Secretary of Congress*, No. 180. The petition, signed by Gotlep Meyer and Peter Wirtig is in No. 42, V, folio 351, and a separate petition of Meyer is on folio 355. They are indorsed as read in Congress April 13.

Also, according to indorsement, was read a letter of April 12 from the Secretary for Foreign Affairs enclosing letters from John Pintard, U. S. Agent at Madeira, dated 1785, December 5, 12, and 29. Jay's letter is in No. 80, II, folio 195. It is indorsed as returned to the Office for Foreign Affairs, October 13, 1786.

Also was read a letter of April 12 from the Secretary for Foreign Affairs relative to an unofficial correspondence between him and John Temple on infractions of the treaty of peace between the United States and Great Britain, with special reference to the memorials from Lawrence, Hunt and Mullenox, British subjects in prison in New York. Jay's letter is in No. 80, II, folio 199 and his correspondence with Temple is on folios 203-207.

² At this point Roger Alden commences the entry in the Journal.

and they are hereby authorised and empowered to join with such agent or agents as may be appointed by the State of New York, to appoint Commissioners or Judges, who shall constitute a federal Court for the purposes aforesaid, as particularly mentioned in a resolve passed the 11th day of November, A. D. 1784.

SAMUEL PHILLIPS, jun^r *President*.

A. WARD, *Speaker*.

Sent down for concurrence, in the house of representatives, March 17, 1786. Read and concurred,

Approved, JAMES BOWDOIN.

True Copy. Attest: JOHN AVERY, jun^r *Secretary*.

¹ The Board of treasury having laid before Congress a Copy of a letter from Mr. Clarke, commissioner of the continental loan Office for the state of Rhode Island and Providence plantations, announcing his resignation,

Resolved, That tomorrow be assigned for electing a commissioner of the Continental loan Office for Rhode Island and Providence Plantations, in the room of Mr. Clarke, resigned.²

The commissioners for negotiating with the Indians in the Middle district, having transmitted to Congress a treaty which they have entered into with the Shawanese; And the Commissioners for treating with the Southern Indians, having transmitted to Congress treaties which they have severally made with the Cherokees, Chickasaws and Choctaws,

Ordered, That the said treaties be entered on the journal of Congress.

³ Articles of a treaty concluded at the mouth of the great Miami, on the Northwestern bank of the Ohio, the thirty-first day of January, one thousand seven hundred and eighty-six, between

¹ At this point Thomson resumes the entries in the Journal.

² The Board's letter, dated this day, is in the *Papers of the Continental Congress*, No. 140, II, folio 189; along with Clarke's letter, folio 193, it enclosed a copy of a letter from Jabez Bowen, April 13, recommending the appointment of George Olney, in Clarke's place. It is on folio 197.

³ Roger Alden here begins the entry in the Journal.

the Commissioners plenipotentiary of the United States of America, of the one part, and the Chiefs and Warriors of the Shawanoe Nation of the other part.

Art. 1st. Three hostages shall be immediately delivered to the Commissioners, to remain in the possession of the United States, until all the prisoners, white and black, taken in the late war from among the citizens of the United States, by the Shawanoe nation, or by any other Indian or Indians residing in their towns, shall be restored.

Art. 2^d. The Shawanoe nation, do acknowledge the United States to be the sole and absolute sovereigns of all the territory ceded to them by a treaty of peace, made between them and the King of Great Britain, the fourteenth day of January, one thousand seven hundred and eighty-four.

Art. 3^d. If any Indian or Indians of the Shawanoe nation, or any other Indian or Indians residing in their towns, shall commit murder or robbery on, or do any injury to the Citizens of the United States, or any of them, that nation shall deliver such offender, or offenders, to the Officer commanding the nearest post of the United States, to be punished according to the Ordinances of Congress: And in like manner any citizen of the United States who shall do an Injury to any Indian of the Shawanoe nation, or to any other Indian or Indians residing in their towns, and under their protection, shall be punished according to the laws of the United States.

Art. 4th. The Shawanoe nation having knowledge of the intention of any nation or body of Indians to make war on the citizens of the United States, or of their counselling together for that purpose, and neglecting to give information thereof to the commanding officer of the nearest post of the United States, shall be considered as parties in such war, and be punished accordingly; and the United States shall in like manner inform the Shawanoes of any injury designed against them.

Art. 5th. The United States do grant peace to the Shawanoe nation, and do receive them into their friendship and protection.

Art. 6th. The United States do allot to the Shawanoe nation, lands within their territory to live and hunt upon, beginning at the South line of the lands allotted to the Wiandots and Delaware nations, at the place where the main branch of the great Miami which falls into the Ohio intersects said line; then down the river Miami, to the fork of that river, next below the old fort, which was taken by the French in 1752; thence due west to the river de la Panse; then down that

river, to the river Wabash, beyond which lines, none of the citizens of the United States shall settle, nor disturb the Shawanoes in their settlements and possessions; and the Shawanoes do relinquish to the United States, all title, or pretence of title they ever had to the lands east, west and south, of the east, west and south lines before described.

Art. 7th. If any Citizen or Citizens of the United States, shall presume to settle upon the lands allotted to the Shawanoes by this treaty, he or they shall be put out of the protection of the United States.¹

In testimony whereof, the parties hereunto have affixed their hands and seals, the day and year first above mentioned.

(Signed:) G. R. Clarke, Richard Butler, Samuel H. Parsons, Aweecony, Kakawipilathy, Malunthy, Musquauconocah, Meanymsecah, Waupaucowela, Nihipeewa, Niki-nessicoe.

Attest: Alexander Campbell, *secretary to Commissioners.*

Witnesses: William Finney, Major B. B. Thomas Doyle, Captain, B. B. Nathan M'Dowell, ensign, John Saffenger, Henry Govy, Kagy Galloway, his X mark, John Baggs, and others.

Articles of a Treaty concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh, Commissioners Plenipotentiary of the United States of America, of the one part, and the Head men and warriors of all the Cherokees of the other.

The Commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

Art. 1st The Head men and warriors of all the Cherokees, shall restore all the prisoners, citizens of the United States, or subjects of their Allies, to their entire liberty. They shall also restore all the negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place, as the Commissioners shall appoint.

Art. 2^d The Commissioners of the United States in Congress assembled, shall restore all the prisoners taken from the Indians, during the

¹ This article is in the writing of Benjamin Bankson.

late war, to the Head men and warriors of the Cherokees, as early as is practicable.

Art. 3^d The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees, to be under the protection of the United States of America, and of no other sovereign whosoever.

Art. 4th The boundary allotted to the Cherokees for their hunting grounds, between the said Indians, and the citizens of the United States, within the limits of the United States of America, is, and shall be the following, viz. Beginning at the mouth of Duck river on the Tennessee; thence running northeast, to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river, thence to Campbell's line, near Cumberland gap; thence to the mouth of Cloud's creek on Holstein; thence to the chimney top mountain; thence to camp creek, near the mouth of Big Limestone, on Nolichucky; thence a southerly course six miles to a Mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest over the top of the Oconee mountain till it shall strike Tugalo river; thence a direct line to the top of the Currohee mountain; thence to the head of the South fork of Oconee river.

Art. 5th If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please; provided nevertheless, that this Article shall not extend to the people settled between the fork of French-broad, and Holstein rivers, whose particular situation shall be transmitted to the United States in Congress assembled, for their decision thereon, which the Indians agree to abide by.

Art. 6th If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or

person under their protection, the nation, or the tribe to which such offender or offenders may belong, shall be bound to deliver him or them up to be punished according to the Ordinances of the United States; provided that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Art. 7th If any citizen of the United States, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States; and the punishment shall be in the presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

Art. 8th It is understood that the punishment of the innocent under the Idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of Justice, and if refused, then by a declaration of hostilities.

Art. 9th For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the citizens or Indians, the United States in Congress Assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Art. 10th Until the pleasure of Congress be known, respecting the 9th Article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

Art. 11th The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States.

Art. 12th That the Indians may have full confidence in the Justice of the United States respecting their interests, they shall have the right to send a Deputy of their choice, whenever they think fit, to Congress.

Art. 13th The hatchet shall be for ever buried, and the peace given by the United States, and friendship re-established between the said

states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and every thing herein determined, between the United States of America, and all the Cherokees: We their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this 28th of November, in the year of our Lord one thousand seven hundred and eighty five.

(Signed:) Benjamin Hawkins, Andrew Pickens, Joseph Martin, Lachn. M'Intosh, and by thirty seven head men of the Cherokee Nation.

Articles of a treaty, concluded at Hopewell, on the Keowee river, near Seneca old town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners plenipotentiary of the United States of America of the one part, and Piomingo, Head Warrior and first Minister of the Chickasaw Nation, Mingatushka, one of the leading chiefs, and Latopoia, first beloved man of the said nation;¹ Commissioners Plenipotentiary of all the Chickasaws of the other part.

The Commissioners plenipotentiary of the United States of America, give peace to the Chickasaw nation, and receive them into the favour and protection of the said States, on the following conditions:

Article 1. The Commissioners plenipotentiary of the Chickasaw Nation, shall restore all the prisoners, Citizens of the United States, to their entire liberty, if any there be in the Chickasaw Nation. They shall also restore all the Negroes, and all other property taken during the late War, from the Citizens, if any there be in the Chickasaw Nation, to such person, and at such time and place, as the Commissioners of the United States of America shall appoint.

Article 2^d. The Commissioners plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and the towns of the Chickasaw Nation, to be under the protection of the United States of America, and of no other Sovereign whosoever.

Article 3^d. The boundary of the lands hereby allotted to the Chickasaw Nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz^t

¹ At this point Benjamin Bankson commences the entry in the Journal.

Beginning on the ridge that divides the Waters running into the Cumberland, from those running into the Tennessee, at a point in a line to be run Northeast, which shall strike the Tennessee, at the mouth of Duck river; thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof, to the Mississippi; thence down the same, to the Choctaw line or Natches district; thence along the said line, or the line of the District Eastwardly as far as the Chickasaws claimed, and lived and hunted on, the 29th of November, one thousand seven hundred and Eighty two. Thence the said boundary Eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands at present in possession of the Creeks; Saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals, at the mouth of the Ocochappo, in circle, the diameter of which, shall be five miles on the river, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America.

Article 4th. If any Citizen of the United States, or other person not being an Indian, shall attempt to settle on any ¹ of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

Article 5th. If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation, shall be bound to deliver him or them up, to be punished according to the ordinances of the United States in Congress Assembled: Provided that the punishment shall not be greater, than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Article 6th. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders, shall be punished in the same manner, as if the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the

¹ At this point Roger Alden commences the entry in the Journal.

Chickasaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment, shall be sent to some one of the Tribes.

Article 7th. It is understood, that the punishment of the innocent, under the Idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this Treaty; and then it shall be preceeded, first by a demand of Justice, and, if refused, then by a declaration of hostilities.

Article 8th. For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the citizens or Indians, the United States in Congress Assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Article 9th. Until the pleasure of Congress be known, respecting the 8th Article, all Traders, citizens of the United States, shall have liberty to go to any of the Tribes or Towns of the Chickasaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

Article 10th. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whoseever, against the peace, trade or Interest of the United States of America.

Article 11th. The Hatchet shall be for ever buried, and the peace given by the United States of America, and friendship re-established between the said States on the one part, and the Chickasaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and every thing herein contained, between the said States and Chickasaws, we, their underwritten Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this 10th day of January, in the year of our Lord one thousand seven hundred and eighty six.

(Signed:) Benjamin Hawkins, Andrew Pickens, Joseph Martin.
Piomingo, Mingatushka, Latopoia.

(Witness:) William Blount, William Hazzard, Samuel Taylor.
James Cole, *Sworn Interpreter*.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca old town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners plenipotentiary of the United States of America of the one part; and Yockonahoma, great medal Chief of Soonacoha, Yockahoopoia, leading Chief of Bugtoogoloo, Mingohoopoie, leading Chief of Haskooqua, Tobocoh, great medal Chief of Congaloo, Pooshemastubie, gorget Captain of Sonayazo, and thirteen small medal chiefs of the first class, twelve medal and gorget captains, Commissioners plenipotentiary, of all the Choctaw Nation of the other part.

The Commissioners plenipotentiary of the United States of America give peace to all the Choctaw nation, and receive them into the favour and protection of the United States of America, on the following conditions:

Article 1st. The Commissioners plenipotentiary of all the Choctaw Nation, shall restore all the prisoners, citizens of the United States, or subjects of their Allies, to their entire liberty, if any there be in the Choctaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens, to such person, at such time and place, as the Commissioners of the United States of America shall appoint, if any there be in the Choctaw Nation.

Article 2^d. The Commissioners plenipotentiary of all the Choctaw Nation, do hereby acknowledge the tribes and towns of the said nation, and the lands within the boundary allotted to the said Indians, to live and hunt on, as mentioned in the third Article, to be under the protection of the United States of America, and of no other Sovereign whosoever.

Article 3^d. The boundary of the lands, hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning at a point on the thirty-first degree of North Latitude, where the eastern boundary of the Natches district shall touch the same; thence east along the said 31st degree of North latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said Nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two, while they were under the protection of the King of Great-Britain. Thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary,

until it shall meet the western boundary thereof; thence southerly along the same to the beginning; saving and reserving for the establishment of trading posts, three tracts or parcels of land, of six miles square each, at such places as the United States in Congress Assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the Government of the United States of America.

Article 4th. If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

Article 5th. If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, or any citizen of the United States of America, or person under their protection, the tribe to which such offenders may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in Congress assembled: Provided that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Article 6th. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner, as if the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; And that they may have an opportunity so to do, due notice, if practicable, of the time of such intended punishment, shall be sent to some one of the Tribes.

Article 7th. It is understood that the punishment of the innocent, under the Idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of Justice, and if refused, then by a declaration of hostilities.

Article 8th. For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the Citizens or Indians, the United States in Congress assembled, shall have the sole

and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

Article 9th. Until the pleasure of Congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property and kindly treated.

Article 10th. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person who-soever, against the peace, trade or interest of the United States of America.

Article 11th. The Hatchet shall be for ever buried, and the peace given by the United States of America, and friendship reestablished between the said States on the one part, and all the Choctaw nation on the other part, shall be universal: And the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and everything herein determined, between the United States of America and all the Choctaws. We their under-written Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

(Signed:) Benjamin Hawkins, Andrew Pickens, Jos. Martin.

Yockenahoma, Yockehoopoie, Mingohoopoie, Tobocoh, Pooshemastuby, Pooshahooma, Tuscoonohoopoie, Shinshomastuby, Yoopahooma, Stoonokoohoopoie, Tehakulbay, Pooshemastuby, Tuskkahoomoch, Tushkahoomoch, Yoostenockha, Tootehooma, Toobenhoomoch, Cshecoopohoomoch, Stonakoohoopoie, Tushkeheegohta, Teshuhenchloch, Pooshanaltla, Okanconnooba, Autoonachuba, Pangehooloch, Steabee, Tenctehinna, Tushkementahock, Tushtalla, Cshunangehabba, Cunnopoie.

(Witness:) Wm. Blount, John Woods, Saml. Taylor, Robert Anderson, Benjn. Lawrence, John Pitchlynn, James Cole, *Interpreter*.

The Board of Treasury to whom was Referred the Memorial of William Shattuck and Timothy Church, Beg leave to Report:

That it appears from the Journals of Congress of the 5th December, 1782, That the Memorialists were Condemned to Banishment and Confiscation of Property by certain persons assuming to Erect themselves into an Independant State, within that District of Country on the West side of Connecticut River, commonly called the New Hampshire Grants, in violation of the Resolves of Congress of the 24th September, 1779, and the 2^d June, 1780; that the United States in Congress required of the Persons exercising such Authority, to make full and ample Restitution to the Memorialists for the Damages by them sustained, and not to molest them in their Persons or Properties on their Return to their Habitations in said District.

That the Memorialists state, that in defiance of this Resolve they were on their return to the District above mentioned confined in Jail, where they were loaded with Irons and suffered all the hardships of a rigorous Imprisonment for the space of five Months.

That it appears from a Certificate of His Excellency Governor Clinton that William Shattuck (one of the Memorialists) in consequence of a Warrant from the late Commander in Chief delivered to him in the Spring of 1783, apprehended a certain Luke Knowlton (an Inhabitant of the District abovementioned) charged with keeping up a Correspondence with the Enemies of the United States, and brought him to the Head Quarters of the American Army in the latter end of the Year 1783.

That the said William Shattuck Swears, that he has only received on account of the said Service from His Excellency General Washington, the Sum of Fourteen Dollars, and that the just balance due to him for his Services and Expences is Forty eight Pounds, two Shillings and ten Pence Current Money of New York.

Under these Circumstances the Board beg leave to Observe: That although they doubt not the Sufferings of the Memorialist have been such as they Represent, yet inasmuch, as their Banishment, Confiscation of Property, and the Imprisonment they suffered in consequence of it, proceeded from their holding Commissions under the State of New York and from their zealous Attachment to the Jurisdiction of that Government, it would be improper for the United States to Apply any part of the General Funds in making that Compensation which the Memorialists may with Confidence expect from

the Justice of the State, in whose Cause their Sufferings have been sustained.

With respect to the Claim made by William Shattuck for his Service and Expences in apprehending Luke Knowlton, in consequence of a Warrant from His Excellency the Commander in Chief, the Board beg leave to report the following Resolve, Viz.

That there be allowed William Shattuck, such a Sum as the late Commander in Chief shall certify to be a proper Compensation for his Services and Expences in Apprehending Luke Knowlton, in pursuance of the General's Warrant for such purpose; and that the Board of Treasury take Order for paying the same, or producing such Certificate.

All which is humbly Submitted.¹

April 10th, 1786.

[Motion]

To report the power which Congress may rightfully exercise to compel the attendance of the members.²

[Motion of Mr. Lee.]

Resolved, That the Sec^y of Congress be directed to inform the P. M. Gen^l that he alter the Contract with Ogden so as to permit him to transport the Mail by the Rout of Bergen point or Newark as shall best suit him.³

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 351. According to indorsement it was read April 17.

² This memorandum, in the writing of Charles Thomson and indorsed by Roger Alden: "Motion 17th April, 1786," is in No. 36, III, folio 231. According to indorsement and *Committee Book No. 190*, it was referred to Mr. [Henry] Lee, Mr. [Rufus] King and Mr. [John] Kean. They reported June 12. A former committee, appointed March 2 to report on this same matter was, this day (April 17) discharged.

³ This motion, in the writing of Henry Lee, is in No. 36, III, folio 233. According to *Resolve Book No. 23* and *Committee Book No. 190*, it was referred to the Secretary of Congress to take order.

APRIL 17: On this day was referred to the Secretary for Foreign Affairs to take order, "his report of 30 March, 1786, on Mr. A[dams] letters of 2^d, 6th, 9th, 12th, and 15 Dec^r, 1785, and 4 Jan^r with papers enclosed and a motion on Mr A's mem^l" See *ante* March 29 and 31. This proceeding is also entered, by Benjamin Bankson, in *Resolve Book No. 123*. Adams' letters are in No. 84, VI, folios 1, 5, 9, 13, 17, and 31; a copy of Adams' memorial to the British Ministry, dated November 30, 1785, on the British retention of the Western Posts, is in No. 84, V, folio 745.

TUESDAY, APRIL 18, 1786.

Congress assembled. Present as before.

According to order, Congress proceeded to the election of a commissioner of the continental loan office for the State of Rhode Island and Providence Plantations, in the room of Mr. Clarke, who has resigned; and the ballots being taken, William Ellery, esq^r was elected, having been previously nominated by Mr. [Pierse] Long.¹

Also was read a letter of April 13 from the Secretary for Foreign Affairs, forwarding letters from John Adams, of November 4, 5 and 11, 1785. It is in No. 80, II, folio 211. Adams' letters are in No. 84, V, folio 713, 717, and 729. The letter of November 11, relates to the trade with the East Indies and, according to indorsement was referred to the Secretary for Foreign Affairs to report. He reported May 8.

Also the petition of Anthony Paulint was referred to the Board of Treasury, to report on this and the case of Canadian refugees in general. Report was rendered May 22.

Also a memorial of Philip Schuyler was read, dated New York, April 14, 1786, recounting his services as Commissioner of Indian Affairs in the Northern Department and praying payment for same. It was referred to the Board of Treasury to report and a report rendered May 8. The memorial is in No. 41, IX, folio 383.

Also a petition of Weston Clark, for depreciation of his pay was read and referred to the Board of Treasury to report, which was rendered April 20. It is in No. 42, II, folio 198.

Also was read a letter of January 18, 1786, from Armand, Marquis de la Rouerie regarding payments due him and members of his corps in France. It was referred to the Board of Treasury to report. It is in No. 164, folio 528 and is indorsed by Thomson: "dup: read 8 May 1786."

Also on this day Mr. William Ellery was nominated by Mr. [Pierse] Long as Commissioner of Continental Loan Office for the State of Rhode Island "elected 17th April;" and Mr. [Jeremiah] Olney was nominated by Mr. [William Samuel] Johnson. See *post*, April 18.

Committee Book No. 190.

Also, according to indorsement, was read a letter of April 2 from Gov. James Bowdoin enclosing a statement of the number of inhabitants in the various towns of Massachusetts. It is in No. 65, II, folio 301; the statement is on folio 309.

Also, the petition of Gottleib Meyer and Peter Wirting was ordered filed. See *ante*, April 13.

On this day also, was read the petition of Judah Williams praying reimbursement for depreciation losses sustained in buying cattle for the army in 1779. It is in No. 42, VIII, folio 350 and, according to indorsement, was referred to the Board of Treasury to report. Report was rendered and acted on April 24.

¹ See *ante*, April 17, p. 185.

WEDNESDAY, APRIL 19, 1786.

Congress assembled. Present, as before.

The delegates for Massachusetts made the following Motion:

¹ Whereas the general Court of the commonwealth of Massachusetts, did, on the 5th day of November last, pass the following resolve: "That his Excellency the Governor be, and hereby is requested to ask of the United States in Congress assembled, the loan of such a number of brass field-pieces as may be requisite for the several companies of Artillery that now are, or hereafter may be formed in this commonwealth, to be returned in good order, when the United States in Congress Assembled, shall require the same." And whereas the Governor of the said commonwealth, in conformity with the said resolve, has requested of the Delegates of the said commonwealth in Congress, to ask of the United States in Congress assembled, the loan of 60 pieces of brass field Artillery, for the purposes, and to be returned as aforesaid. The said Delegates, in pursuance of the premises, submit the following resolution.

That the Secretary at War take order to deliver, from the Arsenals of the United States, to the supreme executive of the commonwealth of Massachusetts, 60 pieces of brass field Artillery, for the use of the said commonwealth, taking receipts for such delivery. The said field pieces to be returned in good order, whenever the United States in Congress assembled shall require the same.²

³A motion was made by Mr. [Pierse] Long, seconded by Mr. [Edward] Carrington, to postpone the consideration of the resolution proposed, in Order to take up the following:

That however ⁴ desirous Congress may be, on every occasion, to comply with the request of the State of Massachusetts, they cannot,

¹ Roger Alden here begins the entry.

² The motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 241.

³ Thomson here resumes the entry.

⁴ Roger Alden here takes up the entry.

with a due regard for the public safety, establish a precedent for dispersing the field artillery, or military Stores of the United States, by loaning the same to individual States; but earnestly recommend it to every State, not supplied with such Artillery or stores, to procure them without delay, pursuant to the sixth article of the confederation.

¹And on the question to postpone, for the purpose above-mentioned; the yeas and nays being required by Mr. [Pierse] Long,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Long,	ay	*	Mr. Bayard,	ay *
<i>Massachusetts,</i>			<i>Maryland,</i>	
Mr. Gorham,	no	}	Mr. Hindman,	ay
King,	ay		Harrison,	ay
Dane,	no			
<i>Connecticut,</i>			<i>Virginia,</i>	
Mr. Johnson,	ay	}	Mr. Grayson,	ay
Mitchell,	ay		Monroe,	ay
<i>New York,</i>			Carrington,	ay
Mr. Haring,	ay	}	Lee,	ay
Smith,	ay			
<i>New Jersey,</i>			<i>South Carolina,</i>	
Mr. Symmes,	no	}	Mr. Ramsay,	ay
Hornblower,	ay			Kean,

So the question was lost.

¹ Thomson here resumes the entry.

On the question to agree to the motion of the delegates of Massachusetts, the yeas and nays being required by Mr. [Nathan] Dane,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	no	*	Mr. Bayard,	no	*
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gorham,	ay	}ay	Mr. Hindman,	no	}no
King,	ay		Harrison,	no	
Dane,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Grayson,	no	}no
Mr. Johnson,	no	}no	Monroe,	no	
Mitchell,	no		Carrington,	no	
<i>New York,</i>			Lee,	no	
Mr. Haring,	no	}no	<i>South Carolina,</i>		
Smith,	no		Mr. Ramsay,	no	}no
<i>New Jersey,</i>			Kean,	no	
Mr. Symmes,	ay	}div.			
Hornblower,	no				

So the question was lost.

APRIL 18, 1786.

The Board of Treasury to whom was Referred the Memorial of Colonel James Livingston, together with a Report of the Auditor of the Treasury, on the state of his Accounts for Provisions and Boards purchased for the Use of the Army, beg leave to Report:

That from the State of Accounts Exhibited to the Auditor, there appears to be due to the said James Livingston, a Balance of One hundred and forty Dollars $\frac{6}{100}$ ths but that Colonel Livingston having lost all his Papers and Vouchers on the Retreat from Quebec, the exact Balance cannot be ascertained with that accuracy which the usual Forms of the Treasury require. From the Character of Col^d Livingston, the Board are of Opinion, the balance appearing due to him from the Accounts and Papers by him presented to the Treasury should be allowed to him: And therefore submit to the Consideration of Congress the following Resolve.

That there be Allowed to Colonel James Livingston the Sum of One hundred and forty Dollars and $\frac{6}{100}$ ths, being a Balance appearing to be due to him for Provisions and Boards furnished the Army in Canada in the Years 1775 and 1776, and that the Board of Treasury take order for paying the same.

On that part of the Memorial of the said Colonel Livingston etc.¹

The Board of Treasury to whom was Referred the Memorial of Joshua Mersereau late a Deputy Commissary of Prisoners, beg leave to Report:

That it appears from the Instruction and Letters of Colonel Beatty, late Commissary General of Prisoners, that the said Joshua Mersereau was appointed to Collect and take Charge of all the Prisoners confined in the States of Massachusetts, New Hampshire, and Rhode Island; and to Employ such Persons to assist him in the Execution of the Duties of his Office as were immediately required.

That it appears to the Board that the Resolve of Congress of the 21st May, 1778, authorizes an Allowance of the necessary Contingent Expences, attending the Execution of the Office of the Commissary General of Prisoners; and that therefore any further direction in the case of M^r Mersereau is unnecessary.

All which is humbly submitted.²

April 18th, 1786.

THURSDAY, APRIL 20, AND FRIDAY, APRIL 21, 1786.

Congress assembled. Present, as before.

[APRIL 20]

The committee [consisting of Mr. William Samuel Johnson, Mr. Edward Carrington, Mr. Nathaniel Gorham, Mr. Rufus King, and Mr. Pierse Long] to whom was referred the memorial of M^r Burrell, M^r Bindon and M^r Fox relative to the Act of Congress of the 24th of

¹ This report, read this day and signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 59. The remainder of the report is entered verbatim on the Journal of May 8, when the report was agreed to by Congress.

² This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 157. According to indorsement it was read April 19 and "passed on Motion of Mr. [John] Lawrance filed Sept. 4th, 1786."

APRIL 19: On this day "The Mem^l of Moses Hazen and Udny Hay, for assistance to Canadian refugees in settling on lands given by the State of N. York" was referred to the Board of Treasury to report and report rendered May 22. *Committee Book No. 190.*

Also, according to indorsement, the report of the Board of Treasury on the letter of Edward Blake, was this day "Debated—Question taken and lost." See *ante*, April 3 and *post*, May 9.

March, abolishing the five great departments, submit the following resolutions:

Resolved, That the act of Congress of the 24th of March abolishing the five great departments, and directing that the accounts within the same be settled by a single Commissioner, be and hereby is repealed.

Resolved, That so much of the resolutions of Congress of the 27th Feby, 1782, as directs the appointment of commissioners for the marine, clothier, and Qt: M: Department be and hereby is repealed, and that the powers and duties heretofore exercised by the Commissioners of the said departments be and hereby are annexed to those of the commissioners of the commissary and hospital departments, as follows: that the powers and duties of the Commissioners of the Qt: M: Department be united with those of the commissioners of the commissary department, and exercised by him; that the powers and duties of the commissioners of the marine and clothier department be united with those of the commissioner of the hospital department and exercised by him, and that the commissioners of the commissary and Hospital departments be confirmed in their respective offices, subject in all things relative to the same to the superintendance and controul of the Board of treasury.¹

APRIL 19th, 1786.

The Board of Treasury to whom was Referred the Memorial of Weston Clark, late a Clerk in the Department of Military Stores, claiming Depreciation of Monies received by him whilst in Public Service, Beg leave to Report:

That the Resolves of Congress of the 18th October, 1783, expressly says that, the Depreciation of Pay should be allowed to all those in the Military Stores Department, who were engaged for three Years, or during the War, and in actual service on or after the 10th April, 1780.

That it appears from a Report of the Officers of the Treasury who have examined the Accounts of the said Weston Clark, that he was not in Service for the period required by the Resolve abovementioned:

¹ This report, in the writing of Roger Alden, is in the *Papers of the Continental Congress*, No. 19, 1, folio 449. According to indorsement it was read April 20 and passed May 8. William Samuel Johnson has noted thereon some of the modifications of the final form. On folio 463 is a draft, or copy, of this report in the writing of Rufus King, indorsed "Monday 24 April assigned." Other copies by Alden are in No. 28, folios 153 and 159.

That he Agreed Monthly for his Pay, and that his Account was finally Settled on the 25th June, 1783, on the Certificate of the Commissary under whom he Served.

Under these circumstances the Board submit to the Consideration of Congress the following Resolve:

That the claim of Weston Clark for Depreciation of Monies paid to him whilst acting in the Ordnance Department is Inadmissible.

All which is humbly submitted.¹

²MONDAY, APRIL 24, 1786.

Congress Assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long.

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 243. According to indorsement it was read this day.

APRIL 20: On this day "The Memorial of Robert Henry, Robert McClallen, and Robert Henry, Jr., for payments of debts due to them by the United States" was read and referred to the Board of Treasury to report, which was done April 24. The memorial is in No. 41, IV, folio 326.

Also "The Mem^l of Jesse Grant and Jesse Cook, that their rank may be settled so that they may receive the pay of Captains while prisoners" was read and referred to the Secretary at War to report. It was acted on July 6, 1786. See *ante*, 1785, April 25 and 1786, March 16.

Also "the Petition of Andrew McFarlan for payment of balance due him from U. S." for money advanced in 1780 for the Indian service, was read and referred to the Board of Treasury to report, which it did April 25. The petition is in No. 42, V, folio 375. *Committee Book No. 190.*

Also, according to indorsement, the committee report of April 10 on Connecticut's cession of Western lands was ordered for consideration on April 27. See *post*, May 11.

APRIL 21: On this day a letter of April 20 from the Secretary for Foreign Affairs enclosing sundry letters and papers from Thomas Barclay, with list of same, was referred to the Board of Treasury to report. Barclay's letters were dated, 1785, August 17, 24 (two letters); September 10, 20 (two letters); November 1, 15; 1786, January 10, 16 (three letters) and 17. They all relate to accounts in Europe; January 10 referring to Silas Deane and January 17 to Beaumarchais. Jay's letter is in No. 80, II, folio 223, the list is on folio 224.

² At this point Roger Alden commences the entries in the Journal

On the report of the board of Treasury, to whom was referred the Petition of Judah Williams, late an Assistant Commissary of purchases,

The Board of Treasury to whom was Referred the Petition of Judah Williams late an Assistant Commissary of Purchases, Beg leave to Report:

That it appears by the Petition that the said Judah Williams in the Month of November, 1779, received orders from Henry Champion (a Deputy Commissary of Purchases) to procure a number of Cattle for the use of the Army; and that the Petition states that when he received the above orders, the said Champion gave him Assurances that he would make good any Depreciation which might arise betwixt the time of Purchase and that of Payment.

That it appears further from the said Petition, that the said Judah Williams did, in the Month of March, 1781, deliver to the said Henry Champion the Vouchers of the Purchases by him made, and receive the full nominal Amount thereof: And that it does not appear that he made at that time any Claim of Depreciation, or that he had a right so to do.

The Board further Report: That in their Opinion, if such a Claim in the Petitioner is well founded, it ought to be made on the person, under whose direction the said purchases were made, and who is the proper Accountable Officer to the United States for all Expenditure of Money under his Directions.

Under these Circumstances the Board submit to the consideration of Congress the following Resolve:

Resolved, That the Petition of Judah Williams, praying for an allowance of depreciation on certain purchases made by him under the direction of Henry Champion, late a Deputy Commissary of purchases to the Army, cannot be granted.¹

The Board of Treasury to whom was Referred the Memorial of Robert Henry, Robert McClallen, and Robert Henry Ju^r of the City of Albany, Merchants, Beg leave to Report:

That after a mature Examination of the Claim of the said Memorialists it appears that the United States were, in like manner with

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 527. The resolve submitted by the Board recommended that the petition be dismissed. Mr. William Samuel Johnson has crossed this out and inserted "cannot be granted," as above.

Individuals, Purchasers of sundry Goods of the said Henry, McClallen, and Henry, in the year 1776; That they paid for the same in Continental Bills of Credit (the then Currency of the United States) at the time the Goods were Bought, and at the prices by them set on the Merchandize so purchased.

That although it appears that the Memorialists were encouraged by General Schuyler (then Commanding in Albany) to go into Canada to Purchase Goods, it does not appear that they were Employed as Public Agents, or that any promise was made to them to pay for the same in Specie; but that the only Assurance given to the said Memorialists, was that Orders should be given to the Officers in the Public Departments, to take of them such Goods as should be wanted for the Use of the Army; which promise it appears was performed.

That it appears from a Certificate of the Loan Officer for the State of New York, that the Memorialists in the Months of May and September, 1777, put into that Office the sum of Fifty thousand Dollars, which Sum they alledge to be the Monies by them received on Account of the Goods purchased in Canada as aforesaid: and that by the Account accompanying the Memorial, they Charge the United States with the Value of the Monies Loaned and the Amount of the Interest due thereon to the 10th January, 1786.

From this Statement it appears that the Negotiations of the Memorialists must be considered as Transactions of a private Mercantile Nature. That they Purchased and Sold on Speculation, and that though the event proved contrary to their expectations, they can have no other Claim on the United States, than the numerous Class of Public Creditors, who have loaned their Money for the Public Service during the late War, and who can only be relieved by the Exertions of the several States, to enable the United States in Congress to perform those Engagements, which they were Constitutionally authorised to Contract.

The Board therefore recommend to the Consideration of Congress the following Resolve;

That the Prayer of the Memorial of Henry, McClallen & Henry for the special Interposition of Congress on account of Monies by them loaned to the United States, cannot be complied with.

All which is humbly submitted.¹

April 21st, 1786.

The Board of Treasury to whom was Referred a Report of the Secretary at War on the Memorial of Captain Baldwin, late an Officer in the Jersey Line, Beg leave to Report:

That, although it appears from General Dayton's Certificate that Captain Baldwin was Employed by himself and Colonel Ogden (in consequence of Powers vested in them by General Washington) to procure Intelligence of the Strength, and Designs of the Enemy during the late War, yet the presumption is, that the Services rendered by Captain Baldwin would have been Compensated for in an adequate manner, if an Application for this purpose had been made to the General, previous to his Resignation of the Command of the Army.

That this presumption derives additional weight from General Washington's Assurance in his letter to General Dayton of the 11th April, 1781, which is in the Words following to wit., "As to fixing any certain Reward I cannot do it. It ought always to depend upon the Importance of the service performed; or Intelligence communicated, and in that proportion I am willing to promise Compensation."

The Board further Report, that although General Washington resided in Jersey several months after the Notification of the Preliminary Articles of Peace, yet it does not appear that any Application was made to the General in behalf of Captain Baldwin, for the Services stated to be rendered by him.

Under these Circumstances the Board are of Opinion, That as the late Commander of the Army, is alone competent to judge of the Merits of those, who in consequence of his directions, were employed in the line of procuring Intelligence, it would be improper for this Board to recommend to Congress the Appropriation of any Monies for Claims of this Nature till proper Certificates are produced from the late Commander in Chief, ascertaining in his Opinion, the propriety of the Compensation claimed on account of Secret Service: more especially as this Board have reason to believe, that an Allow-

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 597. According to indorsement it was read April 24.

ance of one Claim without these precautions, would Subject the Public Treasury to heavy Demands, of the propriety of which the Board could not possibly be Judges.

The Board therefore recommend to the Consideration of Congress the following Resolve:

That it would be improper for the United States in Congress to make any Compensation for Secret Services rendered during the late War in the line of Intelligence, in consequence of General Washington's Directions, till the propriety of such Compensation is ascertained by a Certificate of the late Commander in Chief.

All which is humbly submitted.¹

April 21st, 1786.

TUESDAY, APRIL 25, 1786.

Congress assembled. Present, as before.

The Board of Treasury to whom was referred the Memorial of Andrew McFarlan of the Township of Schenectady, Merchant, Beg leave to Report:

That the Claim made by the Memorialist Originates from a Contract made betwixt Udney Hay, then Agent for the State of New York, with Jellis Fonda, for a certain quantity of Provisions furnished for the Oneida Indians at a Treaty held with the said Indians under the directions of Philip Schuyler, and Volker P. Dow Commissioners of Indian Treaties for the Northern District in the year 1780, in which Contract the said McFarlan became afterwards Interested.

That the Account of these Supplies was afterwards Settled at the Treasury of the United States, and a Funded Certificate issued for

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 83. According to indorsement it was read April 24. See *post*, July 3.

APRIL 24: On this day "the Mem^l of Edward Antill for a continuance of subsistence, stopp'd by resolve of Congress" was referred to the Board of Treasury to report.

Also, "the Petition of Rachel Hart, administratrix to her late husband [Dr. Noah Hart] for payment of a certificate due the Estate," was referred to the Board of Treasury to report, and report rendered May 19. The petition is in No. 41, iv, folio 322.

Also, "so much of the Note of Mr. Otto of 18th April, 1786, as respects his Mem^l of 30th Novr, 1785," was referred to the Board of Treasury.

the Amount on the 13th day of November, 1784, in favor of the Memorialist for Two thousand four hundred and seventy-six Dollars; of which Sum the Memorialist now asks payment.

From these circumstances the Board are of Opinion, that the Claimant had not originally any Claim against the United States; the Contract in which he was Interested being made with an Officer Acting under the Authority of the State of New York, which was called upon in that Year to furnish certain Articles of Specific Supplies for the Service of the United States, and who had a Right to include the Supplies furnished under the Contract abovementioned as part of its Quota of the said Tax: That the Memorialist by relinquishing his Claim derived under the Contract with the Agent of the State of New York, has voluntarily become a Creditor of the United States; and that if his pretensions therefore ought not to be distinguished from the numerous Class of Creditors, who have Contributed Money, or Supplies for the Public Service.

The Board therefore recommend to the Consideration of Congress, the following Resolve:

That the Prayer of the Memorial of Andrew McFarlan, cannot be complied with.

All which is humbly submitted.¹

April 24th, 1786.

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 89. According to indorsement it was read April 25. *Committee Book No. 189*, states that it was transferred.

APRIL 25: The following committee was appointed: Mr. [John] Kean, Mr. [John Cleves] Symmes and Mr. [Charles] Pettit, on "Report of the Comm^r for Army Acct^s on Petition of Andrew Pepin." See *ante*, April 5 and *post*, April 27.

Also a petition from Dirk Van Ingen for reimbursement for depreciation, was read and referred to the Board of Treasury to report, which was done May 30. The petition is in No. 42, VIII, folio 97.

Also, "So much of the Note of Mr. Otto of 18th April, 1786, as respects the ratification of Consular convention" with France, was referred to the Secretary for Foreign Affairs to report, which he did April 28.

Committee Book No. 190.

WEDNESDAY, APRIL 26, 1786.

Congress assembled. Present, as before.

NEW YORK, *April 25th, 1786.*

SIR: After the Commissioners for Indian affairs had left Fort Pitt in March last, the Corn-planter, or Cap^t O'Bail a chief of the Seneca tribe of the Six nations with five others arrived at that place. He expressed to Major Wyllis the commanding Officer, a desire of seeing the Commissioners, alledging that he had some things of importance to the United States to lay before them and that he also wished to pay a visit to the great council, or thirteen fires of the United States. His speech N^o 1 at that place, and the subsequent, I have the honor of inclosing to your Excellency.

Major Wyllis judging it proper that he should see the Commissioners put the chief & his Companions under the care of Major Montgomery to bring them to Carlisle, which he did with great care and safety. The chief there addressed me with the speech N^o 2, to which I gave the answer subjoined to it, which brought forward the Speech N^o 3 with the answer to it.

The weather being severe, the roads bad, and the Indians much fatigued, I thought it best to let them remain a few days and see the place. The principal inhabitants of the town and country shewed them many marks of attention, which gave them great satisfaction. I then had them sent under the same gentleman's care, at the chief's request, to Philadelphia, where I overtook them. The beauty of the country they had passed thro, the magnitude of the city, the numbers of the people, shipping, and curiosities to them quite new induced the chief to request their being indulged with a few days stay with which I complied, judging it proper that they shou'd have just impressions of the strength, opulence, and consequence of so much of the United States, as they might have an opportunity of seeing with which they seem highly pleased, and agreeably surprized and delighted having been treated the whole way and particularly at Philadelphia with great attention by all ranks of the Citizens.

On friday last I set out with them for this place—but the unfortunate accident of the stage over-setting and injuring both myself and the chief, has prevented my giving your Excellency earlier information that they arrived in this city on Sunday last. I have put them into good lodgings and the chief under the hand of a surgeon

and I expect that in two or three days his wound will be so well as to enable him to pay his respects to your Excellency and Congress, an honor of which he is very desirous at such time as your Excellency may think proper to direct.

I beg leave to suggest to your Excellency that in my opinion the affairs of western territory will be greatly benefited by the early attention of Congress, they being in a very loose and distracted state. Should any information of mine on any matter which has come under my notice, or within the line of my duty as a Commissioner of Indian affairs be thought useful, it will give me great pleasure to render all the satisfaction in my power in any manner which your Excellency may be pleased to point out.

I have the honor to be etc.

RICH^d BUTLER.¹

His Excellency, The President of Congress.

¹ This letter is in the *Papers of the Continental Congress*, 56, folio 341. According to indorsement it was read April 26 and referred to Mr. [Stephen Mix] Mitchell, Mr. [John] Kean and Mr. [James] Monroe. Committee Book No. 190, notes that a report was rendered April 28. The Indian speeches referred to are on folios 345-358.

APRIL 26: The following committees were appointed: Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Zephaniah] Platt, on "2 Acts of Maryland—1st granting Impost—2^d supplementary funds" This committee was renewed May 12. The acts, dated March 11 and 12 respectively, are in No. 75, folios 334 and 338.

Mr. [Stephen Mix] Mitchell, Mr. [John] Kean and Mr. [James] Monroe, on "Letter 25th April of Gen^l Butler communit^g Talks with Cap^t O'Beal and announcing his arrival in town." Report rendered April 28.

Also a petition from Samuel Keep, praying "compensation for losses sustained by fire," was referred to the Board of Treasury to report and report rendered May 1. The petition is in No. 41, v, folio 105.

Committee Book No. 190.

Also, according to indorsement, a petition of Jeremiah Jackson in behalf of William Alexander, Robert Wilkin, Blackall William Ball, Edward Butler, and James Gilchrist, late officers of the Pennsylvania Line, praying travelling expenses in 1782, was referred to the Board of Treasury to report and acted on August 9, 1786. The petition is in No. 42, iv, folio 70.

THURSDAY, APRIL 27, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from New York, Mr. [Melancton] Smith.

OFFICE FOR FOREIGN AFFAIRS,
27th April, 1786.

SIR: I have the Honor to transmit to your Excellency herewith enclosed, a Translation of the french Decree, giving a Bounty on the Exportation of Codfish, together with the Original—and am with great Respect, etc.

JOHN JAY.¹

His Excellency,
The President of Congress.

FRIDAY, APRIL 28, 1786.

Congress assembled. Present, as before.

The Com^{tee} [consisting of Mr. Stephen Mix Mitchell, Mr. John Kean and Mr. James Monroe] to whom was referred a Letter from General Butler

Report That good Policy requires proper attention should be paid to Capt. O'Beel and his Associates.

That they should be admitted to Audience on

That the hon^{ble} Chairman of Congress in the Name and behalf of Congress, Assure them of the Friendly Disposition Congress entertain for their Nation and Intention strickly to adhere to the Articles of the Treaty entered into with them by the Commissioners, and Determination to prevent every Encroachment on their Lands and Territories.

¹ This letter is in the *Papers of the Continental Congress*, No. 80, 11, folio 275. According to indorsement it was read April 27. Two arrêts, dated September 18 and 25 respectively, in printed form, are on folios 279 and 291; the translations are on folios 295 and 305.

APRIL 27: According to indorsement, the committee of April 25 on the report of the Commissioner for Army Accounts on the petition of Andrew Pepin, was this day discharged. See *ante*, April 5.

Also a petition from Increase Carpenter, dated April 27, was read, praying that the prayer of his late memorial be granted. It is in No. 42, 11, folio 206.

That suitable presents to an amount not exceeding Dollars be purchased and disposed of among them, by the Commissioners appointed to hold Treaties with the Indians.¹

On the report of a committee to whom was referred a letter from General Butler, dated 25th of April, 1786, announcing the arrival, in this city, of the Cornplanter, alias captain O'Beal, a chief of the Seneca Tribe of the Six Nations, with five others of the same nation.

Resolved, That Congress will on Tuesday next receive a visit from Captain O'Beal and his associates, to be attended by the Commissioners for western Affairs, and the Geographer of the United States.

Resolved, That suitable presents, to an amount not exceeding four hundred dollars, be purchased and disposed of among them, by the Commissioners appointed to hold treaties with the Indians.

[Motion of Mr. [John] Kean]

That the Board of Treasury ascertain the number and value of the Medals received by the Commissioners appointed to treat with the Indians, from the said Indians, and to have an equal number, with the Arms of the United States made of silver and returned to the Chiefs from whom these were received.

April 28, 1786: Ordered That the above Motion be referred to the Board of Treasury to take Order.²

¹ This report, in the writing of Stephen Mix Mitchell, is in the *Papers of the Continental Congress*, No. 30, folio 375. According to indorsement it was read and passed April 28, 1786. Nathaniel Gorham has crossed out portions of the report, and filled in and added the resolve as above, bringing the altered report into verbatim conformity to the Journal text above. A letter of Richard Butler, dated April 28, regarding the medals and presents, is on folio 361; a list of the presents on folio 365 and O'Beal's or Cornplanter's speech in Congress, on 371.

² This motion is entered by Roger Alden in Committee Book No. 190 and by Benjamin Bankson in Resolve Book No. 123.

BOARD OF TREASURY,
April 27th, 1786.

SIR: We do ourselves the Honor of laying before Congress, Copies of Sundry Letters which have past betwixt this Board and Abraham Yates Jun^r Esq^r in Consequence of the Resolve of Congress of the 14th March last, relative to the Oath of Office, to be taken by persons Employed in the Service of the United States.

As M^r Yates declines qualifying agreeably to the Resolve of Congress above mentioned, it becomes our Duty to inform that Honorable Body, that we cannot Consider him as Commissioner of the Loan Office of the State of New York, without their express Direction. We judge it unnecessary to enter into any Discussion of M^r Yates' Objections, and shall only beg leave to Refer to our former Correspondence on this subject of the 13th March last, in which were enclosed the Instructions of this Board to the Commissioners of the Respective Loan Offices, for their Government on the Issue, and Receipt of Indents of Interest on the Requisition of the 27th September last.

We have the honor, etc.¹
His Excellency, the
President of Congress.

[Motion—Mr. Dane]

Whereas Ab. Yates Jur. heretofore appointed Com^r of the Continental loan office for the State of New York hath refused to take the oath of office in that behalf prescribed by the United States in Congress assembled,

Resolved, that Congress consider the said office as vacant and that ~~Tuesday~~ Wednesday next be assigned for the election of a Commissioner to that office.²

¹ This letter, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, II, folio 215. According to indorsement it was read April 28 and acted on May 1. Copies of the correspondence with Yates are on folios 201–211.

² This motion, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 29, folio 219. According to indorsement "Monday 30th April, 1786" was assigned for consideration. April 30, 1786, fell upon Sunday. Dane's motion seems to have been offered April 28 and either withdrawn or postponed until May 1.

April, 1786

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OFFICE FOR FOREIGN AFFAIRS,
27 April, 1786.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, certain Proposals of Adrian De Nys of Utrecht, which were delivered to me by Col^l Senf who is now in this City and will wait for the Determination of Congress on them.

The Original being in Dutch, a Translation is also enclosed.

Col^l Senf requests me to give him a Copy of these Papers, but I do not consider myself at Liberty to do it without the Direction of Congress.

With great Respect, etc.

JOHN JAY.¹

His Excellency, The Presid^t of Congress.

OFFICE FOR FOREIGN AFFAIRS,
27th April, 1786.

SIR: I have the Honor of transmitting to your Excellency herewith enclosed, a Letter of 14th February from John Ross Esq^t together with the Papers mentioned in it; which being voluminous and abounding in Words and Phrases peculiar to judicial Proceedings, the Interpreter did not translate from French to English with his usual Expedition. He returned his Translation Yesterday, without having rendered it entirely perfect, tho' sufficiently so for the Purpose for which those Papers are communicated.

I have the Honor to be, etc.

JOHN JAY.²

His Excellency,
The President of Congress.

¹ This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 247. According to indorsement it was read this day and referred to the Secretary at War to report and report rendered May 4. Col. Christian Senf's letter is on folio 251. The original proposals are on folios 255 and 267, the translations on folios 263 and 271 and offer the raising of a regiment of regular troops in Europe for the service of the United States, which Senf's letter explains are to be used in establishing a military academy in the United States.

² This letter is in the *Papers of the Continental Congress*, No. 80, II, folio 243. According to indorsement it was read April 28. Committee Book No. 190 shows that it was referred back to the Secretary for Foreign Affairs for report, which was rendered May 1. Ross' complaint was "of his property being seized and condemned by the late Gov^r and Council of Port au Prince." Hayti; his letter of February 14 with accompanying papers, is in No. 45, folios 1-91.

OFFICE FOR FOREIGN AFFAIRS,
28th April, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred "so much of the Note of M^r Otto of 18th April Instant as respects the Ratification of consular Convention," Reports:

That the said Convention is dated 29th July, 1784, and that a Copy of it enclosed in a letter of 8th February, 1785, from Doct^r Franklin to his Excellency the President was laid before Congress on the 6th Day of June, 1785.

That the said Copy was referred for *Translation* on the said 6th Day of June, 1785, to your Secretary, and that on the 23^d Day of the same Month he transmitted a Translation of it to Congress.

That on the 25th June, 1785, the same was referred to your Secretary to *report*, and that on the 4th July, 1785, he returned it with his Report to Congress.

That from the above Facts it appears that Congress had not an Opportunity of taking the said Convention into Consideration before the said 4th July, 1785.

That as on the 4th November then next a new Election of Delegates to Congress was to take Place, and some Time would probably elapse before a competent Number of the new Members would appear and take their Seats, it became adviseable to Confine the Attention of Congress to such of the national Objects then under Deliberation, as were more immediately interesting, and required to be dispatched before the approaching Sessions of the State Legislatures; such among other Things as the Requisitions to be made for Supplies, Treaties with the late hostile Indian Nations, and other matters of general and pressing Concern.

That since the 4th November last there have been but three Days Viz: the 24th, 27th, and 28th of last Month on which nine States appeared and were present in Congress, whence it is evident that Congress have not since last Autumn been in Capacity agreeable to the Confederation to decide on the said Convention.

Your Secretary thinks it would be proper to transmit a Copy of so much of M^r Otto's Note as respects this Subject to M^r Jefferson, together with a Copy of the foregoing State of Facts and that he be instructed to account and apologize for the Delays which have attended this Business, to his most Christian Majesty; and to assure

him that Congress will take the earliest Opportunity of considering and terminating it.

All which is submitted to the Wisdom of Congress.¹

[APRIL 29]

BOARD OF TREAS^Y,
April 28th, 1785.

The Board of Treasury to whom the Petition of Jeremiah Jackson, William Alexander, Robert Wilkin, Blackall William Ball, Edward Butler, and James Gilchrist, late Officers in the Pennsylvania Line was referr'd, Report:

That they find on a Conference with the Secretary at War that Colonels Thomas Craig and other Officers of that line who returned from the Southern Army in March, 1782, on account of a temporary Reform in the Pennsylvania line were paid, respectively, the sum of Thirty dollars as an extra allowance to defray travelling expences; they therefore submit to Congress the following Resolution:²

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 83. According to indorsement it was read April 28. See *post*, May 1. A copy by Roger Alden, which includes Otto's note of April 18, 1786, is on folio 91.

APRIL 28: The following committee was appointed: Mr. [Rufus] King, Mr. [Pierse] Long and Mr. [Stephen Mix] Mitchell, on the "Petition of Caleb Stark for depreciation." The petition is in No. 42, VII, folio 249.

Committee Book 190.

Also, according to indorsement, was read a letter of April 27, from the Secretary for Foreign Affairs, forwarding a letter from David Beveridge, referring to a former application to Congress for redress for his suffering in Havana, with a copy of the orders of the Court of Spain to the Governor of Havana. The papers were returned to the Office for Foreign Affairs October 13, 1786. Jay's letter is in No. 80, II, folio 239.

Also was read a petition of John McKennon asking for financial assistance. It is in No. 42, v, folio 379.

Also was read a letter from Governor Richard Caswell, dated April 3, 1786, forwarding a North Carolina act for relief of soldiers and sailors disabled by the war and regretting the delay in delegates going to Congress. It is in No. 72, folio 241. The act, dated December 29, 1785, is in No. 76, folio 81.

² This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 625. According to indorsement it was read April 29 and passed August 9. The resolution submitted is spread *verbatim* on the Journal of August 9. See *ante*, April 26.

MONDAY, MAY 1, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Delaware, Mr. [John] Patten.

Mr. Patten produced credentials, dated the thirtieth day of November, 1785, by which it appears, that the Hon^{ble} Gunning Bedford, jun^r, John Vining, John Patten, Thomas Rodney and William Peery, Esquires are empowered and authorised to represent the State of Delaware in the United States in Congress assembled, until the first Monday in November, 1786.

THE DELAWARE STATE, To all whom these Presents shall come, send Greeting:

[SEAL]

WHEREAS OUR General Assembly at their Sessions of Assembly held at Dover on the Fourth Day of this present Month of November did, according to the Form prescribed by the Constitution, elect the Honorable Gunning Bedford Jun^r, John Vining, John Patten, Thomas Rodney and William Peery, Esquires, Delegates to represent this State in the Congress of the United States of America, until the first Monday in November next.

NOW KNOW YE, that We do by these Presents and in pursuance of the said appointment, commissionate the said Gunning Bedford Jun^r, John Vining, John Patten, Thomas Rodney, and William Peery 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 Gunning Bedford Jun^r, John Vining, John Patten, Thomas Rodney, and William Peery 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 November in the Year of our Lord One Thousand Seven Hundred and Eighty-Five, and in the Tenth Year of our Independency.

Attest:

JA^s BOOTH SE.¹

A letter, of April 27th, 1786, from the Board of treasury, with several letters which passed between the said Board and Abraham Yates, Junior Esq^r relative to the oath of Office to be taken by persons employed in the service of the United States, being under consideration,

A motion was made by Mr. [Nathan] Dane, seconded by Mr. [Pierse] Long,

Whereas Abraham Yates, Junior, heretofore appointed Commissioner of the Continental Loan Office for the State of New York, hath refused to take the oath of office, in that behalf, prescribed by the United States in Congress assembled, *Resolved*, That Congress consider the said office as vacant, and that Wednesday next be assigned for the election of a Commissioner to that office.²

A motion was then made by Mr. [Melancton] Smith, seconded by Mr. [John] Lawrance, to postpone that motion to take up the following:

Whereas Abraham Yates, Jun^r appointed to the Office of Commissioner of the Continental Loan Office of the State of New York, did, on the sixth of March, 1786, enter into bonds to the United States, with two sureties, himself in 26,000 dollars, and John Lansing

¹ This credential is in the *Papers of the Continental Congress, Delaware, Credentials*. According to indorsement it was read May 1. It is entered in the *Record of Credentials, No. 179*, but not in the Journals.

² This motion, in the writing of Nathan Dane, is in the *Papers of the Continental Congress, No. 29, folio 219*. See *ante*, April 28. In No. 55, folio 171 is a memorandum of this proceeding, in the writing of Roger Alden; it is of interest as showing the method of recording the proceedings prior to entering them in the Journal.

and Peter Yates, Esqrs. as his sureties, each in the sum of 13,000 dollars: And whereas the said Abraham Yates, Jun^r did, on the 3d day of March, 1786, take and subscribe before John Sloss Hobart, Esq^r one of the Judges of the supreme Court of the State of New York, the oath of fidelity to the United States, and an oath for the due execution of his office, in the words following, that is to say, "I Abraham Yates, appointed to the Office of Commissioner of the continental Loan Office of the State of New York, do acknowledge that I do owe faith and true allegiance to the United States of America, and I do swear that I will to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and Independence, against all opposition whatsoever. And I do further swear, that I will faithfully, truly and impartially execute the office of Commissioner of the continental loan office of the State to which I am so appointed, according to the best of my skill and Judgment." And whereas a certificate of the said oath, together with the bonds aforesaid, were transmitted to the board of treasury on the 6th day of March, 1786; therefore, *Resolved*, That the said Abraham Yates, Jun^r was, on the 6th day of March, 1786, duly qualified to enter on the duties of his office, as Commissioner of the continental loan office for the State of New York, agreeably to the resolves of Congress of the 30th of September, 1785; and that the resolution of Congress of the 14th of March, 1786, declaring, "That in all cases where an Oath of Office is required of any person holding an Office under the United States in Congress assembled, such oath be in the form of the Oath of office established in the ordinance for ascertaining the powers and duties of the Secretary at War, passed the 27th day of January, 1785, *mutatis mutandis*," ought not to be construed to extend to his case.¹

¹ This motion, in the writing of Melancton Smith, is in the *Papers of the Continental Congress*, No. 36, III, folio 241.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Melancton] Smith,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	no	}*	Mr. Pettit,	no	}no
<i>Massachusetts,</i>			St. Clair,	no	
Mr. Gorham,	no	}no	<i>Maryland,</i>		
King,	no				
Dane,	no				
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Johnson,	no	}no	Mr. Grayson,	no	}no
Mitchell,	no				
<i>New York,</i>			Monroe,	no	
Mr. Smith,	ay	}ay	Carrington	no	
Lawrance,	ay				
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	no	}no	Mr. Ramsay,	no	}no
Hornblower,	no				

So it passed in the negative.

On the Question to agree to the motion of Mr. Dane, the yeas and nays being required by Mr. [John] Lawrance,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	ay	}*	Mr. Pettit,	ay	}ay
<i>Massachusetts,</i>			St. Clair,	ay	
Mr. Gorham,	ay	}ay	<i>Maryland,</i>		
King,	ay				
Dane,	ay				
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Johnson,	ay	}ay	Mr. Grayson,	ay	}ay
Mitchell,	ay				
<i>New York,</i>			Monroe,	ay	
Mr. Smith,	no	}no	Carrington,	ay	
Lawrance,	no				
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	ay	}ay	Mr. Ramsay,	ay	}ay
Hornblower	ay				

¹ So it was resolved as follows:

Whereas Abraham Yates, junior, heretofore appointed Commissioner of the continental loan Office for the State of New York, hath refused to take the oath of Office in that behalf, prescribed by the United States in Congress assembled,

Resolved, That Congress consider the said Office vacant, and that Wednesday next be assigned for the election of a Commissioner to that Office.

OFFICE FOR FOREIGN AFFAIRS,

1st May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from John Ross Esq^r of 14th February last together with the Papers enclosed with it, Reports:

That from the case stated in that Letter it appears, that in the Course of certain judicial Proceedings at Port au Prince M^r Ross has been unjustly deprived of his Property.

Your Secretary presumes that all erroneous Acts and Decrees given in any of his most Christian Majesty's collonial Judicatures are subject to be revised and corrected in France agreeable to established Modes and Forms prescribed in such Cases.

He therefore thinks that the said Papers should be returned to M^r Ross and that it should be recommended to him to employ Counsel at Paris, and pursue such Measures for Redress as they shall advise to be usual and regular; and that the Minister Plenipotentiary of the United States at that Court be instructed, on the Application of M^r Ross's Agent or Counsel to afford his Aid and Influence, and to make such Representations on the Subject to his Majesty as Circumstances may from time to time, render proper and expedient.

All which is submitted to the Wisdom of Congress.

JOHN JAY.²

The Board of Treasury to whom was Referred the Petition of Samuel Keep, Beg leave to Report:

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 87. According to indorsement it was read May 1.

² Thomson has here corrected the Journal by inserting the Whereas paragraph, which Alden omitted.

That it appears by a Certificate of John M^cDowell, a Lieutenant in the 6th Pennsylvania Regiment in the Year 1776. That the Petitioner exercised the Trade of a Blacksmith at Crown Point, at the time the American Troops were under the necessity of Evacuating that Fortress in consequence of the Defeat of the Fleet of the United States on Lake Champlain; and that his House, Furniture and Tools were burnt by order of the Commanding Officer to prevent their being of use to the Enemy.

That the Petitioner states, That in consequence of this and other Losses brought on him by his Attachment to the Liberties of America, he is now so reduced as to be obliged to apply for Relief in the Premises to the United States in Congress.

On a consideration of the Circumstances of this Petition the Board beg leave to Observe.

That in their Opinion, it is not consistent with the general practice of Nations at War to make compensation for the Property of Inhabitants which may be destroyed by a Retreating Force to prevent the same becoming Serviceable to an Invading Enemy.

That in the case of the Memorialist the presumption is, that if the Property belonging to him, had not been destroyed, the principal part of the same would have been taken by the Enemy on their entering into possession of the Abandoned Country.

That although in particular Cases, the Sovereign Authority might judge it adviseable to extend some relief to Sufferers under the description of the Memorialist, yet in cases where the Public Revenue will not admit of the payment of the mere Interest of an Acknowledged Public Debt, Acts of Humanity cannot be exercised to deserving Sufferers, without producing a dissatisfaction in the Body of the Society, which might prove highly injurious to the operations of Government.

The Board beg leave further to Observe that, independant of the above Considerations, the Certificate exhibited by the Petitioner, is not of such a nature as to justify in their Opinion, a Grant of Money in the present Instance: because it is only Signed by a Subordinate Officer Serving in the Army by whom the Property of the Memorialist was destroyed, and not by the Commanding Officer by whose Order (as it is alledged) the Damage for which redress is claimed, was sustained.

The Board therefore submit to the Consideration of Congress the following Resolve:

That the Memorial of Samuel Keep praying Compensation for Property alledged to have been destroyed by order of Colonel Hartley on the Evacuation of the Garrison of Crown Point in the Year 1776, cannot be complied with.

All which is humbly submitted.¹

April 28th, 1786.

TUESDAY, MAY 2, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina; and from New Hampshire, Mr. [Pierse] Long.

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 5. According to indorsement it was read May 1.

MAY 1: The following committees were appointed: Mr. [Nathan] Dane, Mr. [William Samuel] Johnson, Mr. [John] Kean, Mr. [Rufus] King, and Mr. [James] Monroe, on "the report of Sec^y f: Affairs establishing a court for trial of piracies and felonies on high seas." Jay's report, dated September 29, 1785, had been read October 3, 1785, and assigned for consideration, according to indorsement, "Monday 30 April, 1786." This committee was renewed February 12, 1787.

Mr. [William] Grayson, Mr. [Edward] Carrington, and Mr. [Nathaniel] Gorham, on "Letter 18th Aug^t, 1785, Sec^y at War on line of promotion in the corps now in service." This was a renewal of the committee of April 6, 1786, which, in turn, was a renewal of the one of August 22, 1785. A report was rendered May 2.

Also Peter Van Brugh Livingston was nominated as Commissioner of the Continental Loan Office for New York, by Mr. [Melancton] Smith.

Also the report of the Secretary for Foreign Affairs on the note of April 18, 1786, from Mons. Otto, was this day referred back to said Secretary to take order and order taken May 3. Jay's report of April 28, read that day, is also entered in Resolve Book No. 123, under date of May 1.

Committee Book No. 190.

Also, according to indorsement, was read a letter of April 29 from the Secretary for Foreign Affairs, forwarding a letter of John Pintard, of February 5, 1786. Jay's letter is in No. 80, II, folio 313, and is indorsed: "transmitted to the Office f: f: Affairs Oct. 13th, 1786."

Also, was read, a letter of April 14 from Governor Nicholas Van Dyke, forwarding the available laws of Delaware by Mr. John Patten and explaining the impracticability of sending thirteen copies of each. It is in No. 70, folio 785.

Mr. Thomas Rodney, a delegate for the State of Delaware, attended and took his seat in Congress.¹

According to order, Captain O'Beal, alias Cornplanter, with his five associates, was introduced, ~~by Genl. Butler were received~~ and having made a speech on the occasion, retired.²

The Committee consisting of [Mr. William Grayson, Mr. Edward Carrington, and Mr. Nathaniel Gorham] to whom were referred several Letters and Reports of the Secretary at War, Report:

That they have considered of the said Letter of the 29th of April, 1785, and the Report thereon of the 25th of July of the same year, and are of Opinion that the reasons given therein are sufficient to establish a higher rate of pay for the Corps of Artillery, than for the Infantry in the service of the United States. That the pay of the drummers and fifers should be reduced to the pay of the privates in the Corps in which they serve. That it be therefore

Resolved, That the pay of the Corps of Artillery in the service of the United States be as follows:

Lieut. Colonel of Artillery-----	62	dollars	per	month.
Major-----	56	do.		do.
Captain-----	43	do.		do.
Lieutenant-----	32	do.		do.
Serjeants-----	7	do.		do.
Corporals-----	6	do.		do.
Drummers & Fifers-----	5	do.		do.
Matrosses-----	5	do.		do.

Resolved, That in future the pay of the drummers and fifers in the service of the United States be the same as the pay of the privates in the Corps in which they serve."

They have also considered the Letter of the late President Dickinson of Pennsylvania to the Secretary at War of the 13th August, 1785, his answer thereto of the 23^d of the same month. The motion of the delegates of the State of Pennsylvania of the 24th of September, the Report thereon, of the 26th of the same month, by the said Secretary, and are of Opinion that the reasons contained in the said Report are such that it would be proper for Congress to confirm the appointment of Officers by the Supreme executive Council, to the quota of Troops required of Pennsylvania by the Act of Congress of the 12th April, 1785. That it be therefore

¹ For Credentials see *ante*, May 1.

² The Journal was here revised by Thomson.

Resolved, That the appointment by the Supreme Executive Council of Pennsylvania of one Lieutenant Colonel Commandant, three Captains, three Lieutenants, and three Ensigns of Infantry, and one Captain and one Lieutenant of Artillery, one Surgeon and one Surgeons Mate to the quota of Troops required of that State by the Act of Congress of the 12th of April, 1785, be and the said appointment is hereby confirmed.

The Committee have also considered the Letter of the said Secretary dated the 18th of August, 1785, relative to the subject of regular promotion in the said Corps, on which they observe—

That it having been judged necessary by the United States in Congress Assembled by their Acts of the 1st, 7th, and 12th of April, 1785, to raise a body of seven hundred Troops for the purposes therein recited, to be apportioned on the States of Connecticut, New York, New Jersey, and Pennsylvania and the proportion of either of the said States being insufficient to form a Regiment, Congress directed that the respective quotas should be incorporated together and form one Regiment of ten Companies each consisting of seventy men.

That this arrangement was essential to œconomy and a due Subordination.

The Secretary at War having represented that the Seventh article of the Confederation and perpetual Union of the United States may operate to obstruct a course of regular promotion in the line of the Officers, as it directs that all vacancies shall be filled by the State which made the first appointment.

The Committee are fully of Opinion that Seniority of rank, is the best general principle of military promotion; that it produces a greater degree of satisfaction to the Officers, and better advances the public service than any other which can be devised.

They apprehend that at the time the Confederation was formed, regard was had to those cases, in which a State should be required to furnish a complete Corps, or Regiment, and not when it should furnish only Component parts thereof.

That if this Article were to operate in an unlimited sense it would be impracticable for the United States to form any regular Military arrangement. Because the Mutability of rank introduces a spirit of discord, is contrary to Military habits and customs, and is utterly subversive of all system.

The Committee are therefore of Opinion that in order to reconcile as far as possible the Military ideas of Rank, and consequently the

Utility of the Troops to the Seventh Article of the Confederation, that it be strongly recommended by Congress to the U. S. respective States which have furnished the aforesaid seven hundred Troops, and to the other United States, that in all cases when the States shall furnish on Requisition of Congress or less number of Troops than may be sufficient to form a complete regiment according to the existing establishment, "that after the first appointments shall be made that the Vacancies which may arise in the quota of any State shall be filled by the Officer next in rank (excepting in cases of promotion for special merit) in the Corps or Regiment in which such quota shall be incorporated, although such Officer may not be a Citizen of the State in whose quota the Vacancy may happen.

That when any Vacancy shall arise the Secretary at War shall transmit the earliest information thereof to the Executive authority of the State in whose quota it may happen together with the name of the Officer next in rank and the State of which he is a Citizen.¹

[Motion of Mr. Rufus King]

Resolved, That there be allowed and paid to M^r John Thaxter a Salary of three Hundred pounds Sterling annually, for the Term of three years, during which he acted as private Secretary to M^r John Adams one of the ministers plenipotentiary of the U. S. of America in Europe, deducting from such allowance the public monies advanced to him on this account.²

¹ This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 27, folio 287. According to indorsement it was read May 2.

² This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 138, II, folio 437. According to Committee Book No. 190, it was offered this day, referred to the Board of Treasury and reported on May 15.

MAY 2: The following committee was appointed: Mr. [John] Kean, Mr. [Rufus] King and Mr. [Charles] Pettit, on the "Speeches of Cap^t O'Beal transmitted by General Butler." Report was rendered May 4. See *ante*, April 28.

Also was read the report of William Winder, Commissioner of Accounts of the State of Delaware, dated April 24, on the accounts of President John McKinley, of Delaware, and referred to the Board of Treasury to report, which it did May 8. Winder's report is in No. 138, II, folio 73 and sundry papers relating to McKinley's account are on folios 121-133.

Also a petition of Gerald Fitzgerald "for wages due him" was read and referred to the Board of Treasury to report.

Also a petition from Donald McDonald "for the benefits of a disabled soldier" was referred to the Board of Treasury to report and a report rendered June 7. McDonald's petition is in No. 42, V, folio 371.

WEDNESDAY, MAY 3, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina; and from New Hampshire, Mr. [Pierse] Long, and from Rhode Island, Mr. [James] Manning.

Mr. Manning, a delegate from Rhode Island, produced credentials of his appointment, and took his seat in Congress.

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 James Manning Esq^r Greeting:

WHEREAS you the said James Manning was at the General Assembly of the State aforesaid held at Providence on the last Monday in February last, appointed One of the Delegates to represent the said State in Congress until the First Monday in November next: I do therefore hereby empower and authorize you the said James Manning to represent the said State in the Congress of the United States of America now sitting at New York; and to continue and act as a Delegate of the said State in the same whensoever and wheresoever the said Congress shall meet, until the said First Monday in November next. And for your so doing this Commission shall be your sufficient Warrant.

Given under my Hand and the Seal of the said State the Sixth Day of March, A. D. 1786, and in the Tenth Year of Independance.

W. GREENE.

By His Excellency's Command:

HENRY WARD, *Secry.*¹

Mr. [James] White and Mr. [Timothy] Bloodworth, delegates from North Carolina, produced the credentials of their respective appointments, and took their seats in Congress.

Also, John Cochran was nominated by Mr. [John] Lawrance and Thomas Tillotson by Mr. [William] Hindman for Commissioner of Continental Loan Office for New York. Tillotson's name was withdrawn May 8.

Committee Book No. 190.

¹ This credential is in the *Papers of the Continental Congress*, Rhode Island *Credentials*. According to indorsement it was read this day. It is entered in *Record of Credentials* No. 179, but not in the Journal.

[This is not indorsed, and the entry in Record of Credentials does not indicate date of reading, but it was probably read in 1786.]

THE STATE OF NORTH CAROLINA

To all to whom these presents shall come Greeting:

Know ye that our General Assembly in their present Session have by Joint Ballot of both Houses elected the Honourable William Cumming and James White esquires Delegates of this State to Represent the same in the Congress of the United States of America from the date hereof untill the first Monday in November next in the room and stead of the Honorable Richard Dobbs Spaight and Adlai Osborne esquires who have resigned their appointments as Delegates to the Congress aforesaid.

We do therefore, by these presents, Nominate, Commissionate and appoint the said William Cumming and James White Delegates to Represent this State in the Honorable the Congress of the United States of America (in the room and stead of the said Richard Dobbs Spaight and Adlai Osborne) untill the first Monday in November next To hold, exercise and enjoy the said appointment with all powers, privileges, authorities and emoluments to the same belonging or in any wise appertaining for and during the Term aforesaid.

Witness Richard Caswell esquire our Governor Captain-General and Commander in Chief under his hand and Our Great Seal at Newbern the twenty Ninth day of December in the Year of our Lord one thousand Seven hundred & Eighty five and in the Tenth Year of our Independence.

R^d CASWELL,

[With the Great Seal appendant.]

By His Excellency's Command:

WINSTON CASWELL, *Pro. Sec.*¹

THE STATE OF NORTH CAROLINA, BY THE GRACE OF GOD, FREE AND
INDEPENDENT.

To all to whom these presents shall come Greeting:

Know Ye, That our General Assembly at their Session in November last did by Joint Ballot of both Houses, Elect The Honorable William Blount, John Sitgreaves, Charles Johnston, Timothy Blood-

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.

worth, Adlai Osborn and Richard Dobbs Spaight Esquires Delegates of this State to Represent the Same in the Congress of the United States of America for one year, to commence on the first Monday in November next.

We do therefore, by these presents, Nominate, Commissionate and appoint the said William Blount, John Sitgreaves, Charles Johnston, Timothy Bloodworth, Adlai Osborn and Richard Dobbs Spaight Delegates to Represent this State in the Honorable the Congress of the United States of America for one year to commence on the first Monday in November next. To hold Exercise and enjoy the said appointment, with all powers, privileges, authorities and Emoluments to the same belonging or in any wise appertaining for and during the Term aforesaid.

Witness our Trusty and well beloved Richard Caswell esquire, our Governor, Captain-General and Commander in Chief, under his Hand and our Great Seal at Kinston the third day of September in the year of our Lord one thousand seven hundred and Eighty five and in the Tenth Year of our Independence.

R^d CASWELL.

By His Excellency's Command:

WINSTON CASWELL, *P. Sec.*¹

[Motion of M^r Pinckney]

That tuesday next be assigned for Congress in a committee of the whole, to take into consideration the state of public affairs.²

[Motion of M^r Dane]

Resolved, That the Geographer of the United States and the surveyors appointed pursuant to the ordinance of Congress, passed May 20th, 1785, for ascertaining the mode of Disposing of lands in the Western Territory, and who have accepted their appointments, proceed in the execution of the said Ordinance.

provided however, and it is resolved, that the tract of Territory bounded Westerly by the river Scioto, Southerly and Easterly by the river Ohio; and Northerly by the East and West line first men-

¹ The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. According to indorsement it was read May 3. It was entered in No. 179, *Record of Credentials*, but not in the Journal.

² This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 244. According to indorsement, it was made May 3 and "Tuesday 9th May, 1786, assigned."

tioned and directed to be run in said Ordinance; and the tract of Territory lying upon the river Ohio, between the little Miami and Indian Kentucky inclusive; and extending Northerly from the said river Ohio, so far as may be found necessary for locating four townships, in each range of townships extending from South to North, be first surveyed saving the lands assigned to the Indians.

Resolved, That in dividing said territory into townships due regard be had to the natural boundaries of Townships in those particular cases wherein a rigid adherence to lines run East and West, North and South, as boundaries would manifestly prejudice the sales and future condition of said townships.

Resolved, That as soon as nine ranges or townships and fractional parts of townships of said first mentioned tract of Territory from South to North shall have been surveyed, the Geographer shall transmit plats thereof, to the board of Treasury, and of the residue of said tract as soon as the same shall be surveyed. And as soon as ten ranges of townships and fractional parts of townships, of the last mentioned tract of Territory, from South to North shall have been surveyed the said Geographer shall transmit plats thereof to the said board and of the residue of said tract as soon as surveyed.

Resolved, That the Geographer direct four of said Surveyors to proceed in the first instance in surveying the said last mentioned tract and the other Surveyors, in surveying the said first mentioned tract of Territory.¹

¹ This motion, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 36, III, folio 245. According to indorsement, it was made May 3, and Monday, May 8 assigned for consideration "Acted on May 9th, 1786 with amendments—the Act as passed and filed."

MAY 3: On this day the "Memorial Andrew Caldwell, of demands on the Estate of Sam^l Caldwell for purchases on acc^t of the U: S:" was referred the Board of Treasury to report and report rendered May 30. The memorial is in No. 41, II, folio 342.

Also a "Petition of Tho^s Chase, that his Acc^ts may be settled by Royal Flynt Esq^r" was referred to the Board of Treasury to report. Chase's petition is in No. 42, II, folio 210. According to indorsement report was rendered May 19.

Also a "Petition of Patrick Bennet, for pay while a private in the Maryland line" was referred to the Board of Treasury to report. Bennet's petition is in No. 42, I, folio 385. According to indorsement report was rendered May 5, [25].

Also a "Petition Nathan Fuller for back rations and mileage due to late Col. Bonds Regt." was referred to the Commissioner of Army Accounts to report, which he did May 24. See *post*, May 25. The petition, dated May 1, 1784, is in No. 42, III, folio 111. See *ante*, May 31, 1784.

THURSDAY, MAY 4, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina; and from New Hampshire, Mr. [Pierse] Long; and from Rhode Island, Mr. [James] Manning.

The Secretary of the United States for the department of war to whom was referred a letter of April 27th from the Secretary for foreign affairs and proposals from Adrian De Nys of Utrecht for raising a regiment in Europe for the service of the United States, Reports:

That he has considered of the proposals of Major Adrian De Nys of Utrecht to raise arm and equip in Europe a corps of one thousand men for the service of the United States as exhibited in an authenticated instrument with his signature signed on the 27th of September, 1785.

That the said proposals appear to be formed on fair and honorable principles and considered only in a pecuniary point of view, would be highly advantageous to the United States were their situation such as to require the assistance of foreign troops.

But the articles of Confederation and perpetual Union having directed the mode in which troops shall be furnished for federal purposes, and the said proposals being inconsistent therewith they cannot be embraced.

But as Major De Nys in making the aforesaid proposals appears to have been influenced by a zeal to serve the United States and to have confided in their Justice and Honor, your Secretary submits to Congress the propriety of his writing a letter to the said Major De Nys, to thank him for his liberal offers, and to state the reasons on which Congress decline to accept them. On this principle the following resolution is formed:

Resolved, That the Secretary at war be directed to write a letter to Major De Nys of Utrecht thanking him for the zeal and affection expressed for the United States by his propositions of the 27th of September 1785—to raise arm and equip for their service a corps of one thousand men and to advance the sums necessary for that

purpose and also to state to him the reasons which induced Congress to decline accepting the same.

All which is submitted to Congress.

H. KNOX.¹

War Office, May 4th, 1786.

WAR OFFICE, *May 4th 1786.*

SIR, Lieutenant Colonel Harmar commanding officer of the regiment in the service of the United States, and who commanded the troops on the Ohio, from the 1st of October, 1784, to the 1st of October, 1785, has repeatedly stated, that his situation while commanding there, has constrained him to incur expences disproportionate to his pay. That notwithstanding a due adherence to the rules of frugality, as far as the same could with decency and propriety be observed, he has expended a greater sum than his private income would afford, but for which he hopes to be compensated in part by the liberality of the United States. In his letter of the 17th of April to me on this subject, he says,

“It is not my desire to gain any thing from the public, but merely to be reimbursed for the expences incurred in supporting the rank and dignity of commanding officer—

One dollar p^r day, as an allowance for my table, would be sufficient, or if Congress should be of opinion, that this sum would be too great, any lesser allowance which that honorable body may see fit to grant, will oblige me, and will in some degree make up for my private expenses for public service.”

The subsistence of the lieutenant colonel commandant is thirty two dollars p^r month; a sum much less probably than Colonel Harmar was obliged to disburse for his table during the time of his command,

I have the honor to be etc.

H. KNOX ²

Honorable David Ramsay,
Chairman of Congress.

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 175. According to indorsement it was read May 4.

² This letter is in the *Papers of the Continental Congress*, No. 150, I, folio 233. According to indorsement it was read May 5.

BOARD OF TREASURY,
 May 4th, 1786.

SIR, Agreeably to the Order of Congress of the 24th of March last, directing the Board of Treasury to Report an Estimate of the Expence that will necessary arise in the Department for settling the Accounts of the five late Departments, we submit the following Estimate:

One Commissioner.....	1, 500
Two Assistants.....@800.....	1, 600
Five Clerks.....@500.....	2, 500
Five Do.....@400.....	2, 000
for Contingencies.....	1, 400
	9, 000

Doll^s. 9, 000

We apprehend that proper Characters as Assistants cannot be procured under 800 Doll^s per annum, and that it will be necessary to employ two at least for this Purpose.

The Contingencies of Office we have placed at 1,400 Dollars if there should be three Offices opened in different Parts of the United States, at the same time, estimating according to the Contingent Expenses of the Offices that are now in the several States, it will not be less than this sum.

We are with respect ¹
 To His Excellency,
 The President of Congress.

FRIDAY, MAY 5, 1786.

Congress assembled. Present, as yesterday.

Agreeable to an order, captain O'Beal, alias the Cornplanter, with his Associates, was again admitted, ~~to an~~ audience, attended by the Commissioners for the middle de-

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 139, folio 113. According to indorsement it was read this day.

Also on this day Roger Alden, Deputy Secretary of Congress, wrote to the Secretary for Foreign Affairs that "Friday the 5th Inst. at 12 o'Clock, is appointed for a second visit from the Seneca Chief and his Associates" and requesting Jay to send the original treaty of peace with Great Britain to the Secretary's office for use on this occasion. See *ante*, May 2. Alden's letter is in No. 55, folio 299.

partment of Indians Affairs, and the Geographer of the United States, and the chairman in behalf of Congress addressed the Indian Chief, and returned an answer to the speech delivered the 2d Instant, and to the Talks transmitted by General Butler.

. . . The Honorable David Ramsay, Chairman of Congress then addressed them as follows:

“Brothers: We are glad to see you and to find that you have so great a friendship for our people. The United States alone possess the sovereign power within the limits described at the late Treaty of peace between them and the King of England. The white people who are subjects of that King must move off from all the lands within these limits. The United States are therefore the most natural friends and Brothers of the Indians, as they will remain with them, when all the rest are gone. The United States are now at peace with the King of England and all the Kings of Europe. When that peace was made at the close of the late war the King of England gave up to the United States all the lands to the South of the great Lakes which are described in this Treaty. (The ratification of the definitive treaty signed with the hand of the King of great Britain was then produced and its contents explained to Captain O’Beal.) Here is the name of the King of England subscribed with his own hand and in this he gives to the United States the land of the Indians therein described. The Treaty which our Commissioners have shewn you is a true Copy from this Original. You may assure your Nation and all the Indian Nations that what the Commissioners of the United States have told them is true, and that all the treaties lately made with them were made by order of Congress; and that Congress will faithfully keep their engagements as specified in these Treaties. You may also assure the Indians that they tell lies, who say that the King of England has not in his late Treaty with the United States given up, to them the lands of the Indians. They are also bad men who say, that the United States will not abide by the Treaties, which they have lately made with the Indians by these Commissioners.

“The United States will take care that none of their Citizens shall intrude upon the Indians within the bounds which in the late Treaties were allotted for them to hunt and live upon; and if any of the people

of the United States shall molest the Indians within the said bounds, upon a proper Representation they shall be called to account for it.

“Congress have under their considerationd a plan to open the path between them and the Indian Nations, and to send a trade among them, and will do what is right and proper for the Indians. We believe what you said, and that you have been appointed to speak to us in behalf of your Nation. We do not therefore think it necessary at present, to send any of our beloved men to your Council fire, but when it shall be necessary we will do it.

“Congress recommend it to you and all the Indians to remain quietly and peaceably on the lands allotted to them by the late Treaties; and if the people belonging to any other Nation, disturb them within those lines, Congress desire that the Indians will make a proper Representation of the matter to them, and they will inform the King of those people of the conduct of his subjects and will use their endeavors that the Indians shall have justice done them.

“We present to you Captain Hutchins who is the Officer appointed by Congress to survey the lands purchased from the Indians at the late treaties. We recommend him and his Companions to your kind Offices and protection while agreeably to our orders he is employed in doing our business.

“Congress hopes to enjoy the friendship of the Indian Nations, and to live with them like brothers as long as the Sun and Moon shall last. We recommend to you peace and a steady adherence to the Treaties made between the thirteen States and your people. We wish you a good Journey home, and pray that the great spirit above may direct you, and take you under his special care.”

To this Captain O’Beel made a short reply, as follows:

“Brothers, What you have said is good. You advise to what is proven. My mind has been disposed to war, but you wisely recommend peace, and I thank you for your advice, and for the good things you have said, and pray that the Great Spirit above may take care of you.”¹

¹ This record, in the writing of Henry Remsen, Jr., forms the latter portion of “The publication made by the Chairman of Congress respecting the speeches and audiences of Cap^t O’Beel, the Cornplanter, May, 1786.” It is in No. 56, folio 407, and is indorsed by Roger Alden as quoted.

[Motion M^r King]

Whereas a reform in the public expenditures is at all times desirable

Resolved, That so much of the Resolution of the 24 of March as grants a salary of 1,500 dollars to the commissioner to be appointed for the Settlement of the accounts of the 5 Great Departments be repealed, and that there be allowed to such Commissioner Dollars annually during the time he shall be continued in Office.¹

SATURDAY, MAY 6, 1786.

Six states assembled; namely, Massachusetts, New Jersey, Pennsylvania, Delaware, North Carolina and South Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Connecticut, Mr. [Stephen Mix] Mitchell; from New York, Mr. [Melancton] Smith; from Maryland, Mr. [William] Hindman, and from Virginia, Mr. [James] Monroe.

* MONDAY, MAY 8, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from the state of New Hampshire, Mr. [Pierse] Long.

¹ This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 251. According to indorsement it was offered May 5.

MAY 5: On this day the petition of Nahum Akerman "for compensation for losses while a Post rider" between Portsmouth and Boston, was read and referred to the Committee on the Post Office to wit. Mr. [William] Grayson, Mr. [John] Kean, Mr. [William Samuel] Johnson, Mr. [John Bubenheim] Bayard and Mr. [Nathaniel] Gorham. This committee was renewed February 12, 1787. Akerman's petition is in No. 42, I, folio 87.

Committee Book No. 190.

Also, according to indorsement, Mr. Rufus King's motion of April 20, 1786, on the Commissioners for settling accounts of the Quartermaster and Commissary departments, was on May 5 "Debated and lost—report revived by new motion—and passed 8th May" see *ante*, April 20. King's motion is in No. 19, I, folio 463.

² Thomson here resumes the entries.

Mr. William Houstoun and Mr. William Few, delegates for Georgia, produced credentials, by which it appears, that they are severally appointed delegates to represent the said State from the 10 February last, until the first Monday in November next.

This being the day assigned for the appearance of the States of South Carolina and Georgia, by their lawful agents, in pursuance of notice transmitted to them agreeably to the resolution of the first day of June last:

With the consent and at the request of the delegates of the states of South Carolina and Georgia,

Resolved, That further day be given, and that Monday the 15th of the present month be assigned for the appearance of the said States.

¹ On report of the board of treasury, to whom was referred the memorial of Colonel James Livingston, together with a report of the Auditor of the treasury on the state of his Accounts, for provisions and Boards purchased for the use of the Army,

Resolved, That there be allowed to Colonel James Livingston, the Sum of one hundred and forty dollars and $\frac{6}{100}$ ths. being a balance appearing to be due to him for provisions and boards furnished the Army in Canada, in the years 1775 and 1776, and that the Comptroller give a certificate for that sum.

On that part of the Memorial of the said Colonel Livingston, which prays that Congress would be pleased to order payment of the monies voted to him by their resolve of the 5th March, 1785, on account of his services in Canada, previous to his receiving a commission, the board having reported "That although it appears, from the said resolve, that the services rendered by Colonel Livingston were of an eminent nature, yet the board are of opinion, that it would not be proper to deviate from the established line of settling

¹ At this point Roger Alden commences the entries.

the arrearages of military pay, more especially as Colonel Livingston has, in consequence of the resolves of Congress, continued to draw rations since the Army has been disbanded."

Resolved, That Congress agree to the said report.

¹ According to Order, Congress proceeded to the election of a commissioner of the continental loan Office for the state of New York, and, the ballots being taken, Mr. John Cochran was elected, having been previously nominated by Mr. [John] Lawrance.

On the report of the committee, consisting of Mr. [William Samuel] Johnson, Mr. [Edward] Carrington, Mr. [Nathaniel] Gorham, Mr. [Rufus] King, and Mr. [Pierse] Long, to whom was referred a memorial of Mr. Burrell, Mr. Binden and Mr. Fox,

Resolved, That the act of Congress of the 24 of March last, abolishing the five great departments, so far as it directs, that the Accounts within the same be settled by a single commissioner, be, and is hereby repealed.

Resolved, That the powers and duties heretofore exercised by the commissioners for the quarter master's and the commissary's departments be exercised by one Commissioner, and that the powers and duties of the commissioners for the hospital, marine and cloathier's departments be exercised by one other commissioner, to be elected annually by Congress; and that the salary of each of the said commissioners be at the rate of twelve hundred and fifty dollars per annum.²

Congress proceeded to the election of the two Commissioners, and the ballots being taken, Mr. Jonathan Burrell was elected for settling the Accounts of the quarter master's and commissary's departments, having been previously nomi-

¹ Thomson here resumes the entries in the Journal.

² A rough draft of this resolve, in Thomson's writing, is in No. 19, I, folio 461, in which the rate of pay is filled in, by an unknown hand, as 2,500 dollars.

nated by Mr. [Nathan] Dane. Mr. Benjamin Walker was elected Commissioner for settling the Accounts of the hospital, marine and cloathier's departments, having been previously nominated by Mr. [John] Lawrance.¹

² On motion of Mr. [James] Monroe, seconded by Mr. [Edward] Carrington,

Resolved, That the board of treasury be, and they are hereby directed to take order, for the payment of four hundred dollars to the Guardian of Hugh Mercer, son of the late General Mercer, for his education and board, for the term of one year, commencing on the 27th day of April last.³

On report of the Secretary at War, to whom was referred the petition of Johannes Shrine, a Mohawk Indian,

Resolved, That the sum of one hundred dollars be paid to Johannes Shrine, an Indian chief of the Mohawk tribe, as a compensation for the services and sufferings which he alleges to have performed and sustained in the service of the United States.

The Board of Treasury to whom was Referred the Report of the Commissioner of Public Accounts for the State of Delaware, on the Accounts of John McKinley late President of the said State, Beg leave to Report:

That it appears by the Resolve of Congress of the 24th June, 1777, that the Sum of Ten thousand Dollars was Advanced to John McKinley, then President of the State of Delaware for the use of the Militia then in Continental Service, for which Sum he was to be accountable.

That out of the aforesaid Sum he paid to the Militia of that State, the Sum of Fifteen hundred Dollars.

¹ According to Committee Book No. 190, Henry Remsen was also nominated for Commissioner of Continental Loan Office for New York by Mr. [John] Haring and Edward Fox and Benjamin Walker were nominated as Commissioners for settling the accounts of the Quartermaster and Commissary Departments.

² At this point Roger Alden begins the entries.

³ This motion, in the writing of Monroe, is in the *Papers of the Continental Congress*, No. 19, IV, folio 61.

That he further Advanced for Recruiting the Delaware Battalion, the Sum of Nine hundred Dollars, which Mr. McKinley suggests was paid out of his own Money; though at the time when the payment was made, Mr. McKinley had in his hands, Public Monies to the Amount of Eight thousand five hundred Dollars.

That on the 22^d August, 1777, he paid over to George Latimer, Pay Master to the Militia called for by Congress, the Sum of Four thousand Dollars, for which (it is alledged) the said Latimer has Accounted with the State of Delaware.

That it appears from the Deposition of the said John McKinley, that betwixt the 12th and 13th of September following, his Books and Papers, together with a Sum of his own private Cash, and the Balance remaining in his possession belonging to the United States, being four thousand five hundred Dollars, fell into the hands of the Enemy on the Surprise of the Town of Wilmington by the British Forces.

From the Premises above stated, the Board are of Opinion, that Mr. McKinley should be Credited with the Sum of Fifteen hundred Dollars paid by him to the Militia of the State of Delaware; as likewise the further Sum of Four thousand five hundred Dollars, being the Balance of the Monies advanced to him by the United States, and Captured by the Enemy; for although it appears that the Sum of Nine hundred Dollars was (as above mentioned) Advanced to the Delaware Battalion at the time the Monies of the United States were in the hands of the said McKinley, which said Sum of Nine hundred Dollars has been since reimbursed to the said McKinley, and Charged to the United States; yet, inasmuch as the Sum Advanced to the said John McKinley was expressly Appropriated for Militia Service, the Board are of Opinion, that he was not strictly Authorised to apply it for any other purpose; and have therefore not deducted it from the Monies deposed to be Captured as above mentioned.

They therefore Submit to the Consideration of Congress the following Resolves.¹

¹ This report, dated May 8, 1786, and signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 101. According to indorsement it was read May 8 and passed May 9, where the resolves submitted are spread verbatim on the Journal. The report of William Winder, Commissioner of Public Accounts for the State of Delaware is on folio 73. See *ante*, May 2.

BOARD OF TREASURY,
May 5th, 1786.

SIR, We do ourselves the honor of laying before Congress, in pursuance of their Act of the 2^d August, 1785, an Abstract of the State of the Treasury on the 1st June instant, as stated by the Register.

With the greatest respect, etc.¹

His Excell^y

The President of Congress.

Abstract of the State of the Treasury of the United States for the Month of May, 1786

DR.			CR.		
1786 May 31	To General Accot. of Taxes for the following Receipts from Loan Officers in the Month of May, 1786: From Nathaniel Appleton, Massachusetts... 2,400 James Tilton, Delaware... 1,942 Thomas Smith, Pennsylvania..... 16,133.3 <hr/> To Balance being the Amount of Warrants drawn beyond the actual Receipts into the Treasury of the U. S.....	Dollars 20,475.3 <hr/> 36,809.67	1786 Apr ^l 30	By Amount of Warrants drawn by the Commissioners of the Treasury beyond their Receipts as per Abstract rendered under this date.....	Dollars 18,869.74
			May 31	By Amount of Warrants No 382 @ 409 inclusive drawn from 1 st to 31 st May, 1786, by said Commissioners being for the residuary payments of the Domestic Civil List to 31 March, 1786: for the several Departments under the direction of the Secretary at War, Rations to Troops by Contract, Geographers Department and other Services of the U. S..... (NOTE.—The particulars of the above will appear in the ensuing Quarterly public Accounts No 8 to be rendered the 30th June, 1786.)	38,214.86
	Dollars..	57,084.70		Dollars..	57,084.70

Registers Office 1st June, 1786.

JOSEPH NOURSE, Register.²

¹ This letter, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 140, II, folio 237. According to Committee Book No. 190, this letter was on May 8, "Referred to the Committee of the whole house."

² This report is in the *Papers of the Continental Congress*, No. 144, folio 207. It is indorsed "Abstract of the State of the Treasury on the 1st June, 1786."

OFFICE FOR FOREIGN AFFAIRS,
8th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from the Honorable M^r Adams of 11th November last, Reports:

That the Facts and Observations contained in this Letter appear to your Secretary to be well founded.

That Congress for want of Power to regulate Trade by their own Acts, can make no other use of this Letter than to publish it, or to refer it to the States.

That in his Opinion it should not be published, lest it encrease the Jealousy with which our late Adventures to the Indies, have already inspired the Nations trading thither.

That he also thinks it should not be referred to the States, because the partial, clashing and unsystematical Regulations which thirteen different Legislatures will naturally establish, must operate, against national Objects; and therefore that their interfering in national Concerns, except in subordination to the federal Government, should not be encouraged.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

OFFICE FOR FOREIGN AFFAIRS,
8th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from the Honble. M^r Adams of December last in Cyphers, Reports:

That the Contents of this Letter may be classed under three Heads.

(1) The Characters of the british King and his Ministers, which for the Reasons assigned by M^r Adams should be kept secret.

(2) The restrictive and unfriendly System of Trade with Respect to America, which the british Government, and the Nation in general appear to prefer and will probably adopt—of this System the United States have much Reason to be apprehensive, and their Inability to meet it by general and proper Regulations, will doubtless encourage and promote it.

Congress at present can do nothing on the Subject except in the way of Recommendations; which being a very ineffectual Way, had

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 95. According to indorsement it was read May 8. See *ante*, April 17.

better not be tried; lest non Compliance should diminish their Respectability, and impair the little Authority they possess.

In the Opinion of your Secretary Recommendations should be avoided as much as possible, and every constitutional Requisition impartially enforced with uniform Punctuality and Decision.

(3) The Probability that the Posts will be detained on Pretence of the Treaty of Peace having been violated by American Acts relative to British Debts and the Tories.

On this Point your Secretary can only repeat what has been suggested in other Reports viz^t, that what wrong may have been done, should be undone; and that the United States should, if it were only to preserve Peace, be prepared for War.

M^r Adams Advice in this and many of his other Letters is just, but until Congress shall be put, by further Powers, in Capacity to act upon it, there would be little Use in particular Reports on Subjects which to them are at present rather Matters of Speculation than Provision.

All which is submitted to the Wisdom of Congress.

JOHN JAY.¹

The Board of Treasury to whom was referred the Memorial of Philip Schuyler, late a Commissioner of Indian Affairs in the Northern Department, Beg leave to Report:

That the Memorialist was on the 13th day of July, 1775, Appointed one of the Commissioners of Indian Affairs for the Northern Department; being at that time a Major General in the Service of the United States; but that it does not appear from the Journals of Congress, that any Allowance was fixed for the Services of the said Commissioners whilst Acting in that Capacity.

That on the 19th day of April, 1779, the Resignation of the Military Commission of the Memorialist was accepted by Congress; but that the Memorialist states, that Subsequent to this Resignation, he continued to Execute the Orders of Congress relative to Indian Affairs, and Secret Services in Canada, 'till a new Arrangement of the Indian Department took place on the 5th day of March, 1784.

From these Circumstances the Board are of Opinion that although no Special Allowance has been fixed for the Service of the Commissioners of Indian Affairs for the Northern Department, yet it is

¹ This report is in the *Papers of the Continental Congress*, No. 81, II, folio 99. According to indorsement it was read May 8. See *ante*, April 17.

proper that an equitable Compensation should be made for their Services whilst Acting in that Capacity; more especially as Congress on the 5th July, 1776. Resolved, that the Sum of Four Dollars per Day should be Allowed to the Commissioners of Indian Affairs for the Southern Department whilst in Actual Service. Inasmuch however, as the Memorialist received Pay as a General Officer to the 19th day of April, 1779, the Board are of Opinion, that he is precluded by the Resolve of Congress of the 18th September, 1776, from receiving Pay in the Capacity of a Commissioner from the time of his Appointment to the Period when his Resignation as a General Officer was Accepted by Congress.

On the above Premises the Board submit to the Judgment of Congress the following Resolve.¹

May 6th, 1786.

TUESDAY, MAY 9, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long, and from Rhode Island, Mr. [James] Manning.

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 343. According to indorsement it was read May 8 and acted on August 9, on which day the resolve submitted is entered upon the Journal.

MAY 8: The following committee was appointed: Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [Zephaniah] Platt, on sundry acts of Georgia. This committee was renewed May 12. The acts are in No. 76, folios 304-342.

Committee Book No. 190.

Also, on this day, according to indorsement, was read a duplicate of Armand's letter of January 18, 1786. See *ante*, April 17.

Also was read a letter of May 3, from William Ellery, accepting the appointment of Continental Loan Officer in New Hampshire. It is in No. 78, VIII, folio 437.

Also was read a letter from Governor Edward Telfair, dated April 4, announcing that he will lay the various communications received from the Secretary of Congress, before the Georgia legislature when it meets. It is in No. 73, folio 319.

Also was read a letter from Governor William Moultrie, dated March 29, 1786, stating that he will forward copies of South Carolina laws when printed and that the State has "*resolved* to vest Congress with the right of regulating Trade." It is in No. 72, folio 595.

On a report of the board of Treasury, to whom was referred the report of the Commissioner of public accounts for the State of Delaware, on the accounts of John McKinley, late President of the said State,

Resolved, That in the settlement of the accounts of John McKinley, late President of the State of Delaware, he be credited the sum of fifteen hundred dollars, by him paid to the Militia of the said State, whilst in the service of the United States; as also with the further sum of four thousand five hundred dollars, a balance of monies belonging to the United States, in his hands, and taken by the enemy at the time the said John McKinley was captured by the british forces.

Resolved, That if the said John McKinley shall, at any period within the space of twelve months, computed from the date of this resolve, produce a certificate from the Auditor, or other proper Officer of the treasury of the State of Delaware, purporting that the United States are credited by the said State with the sum of four thousand dollars, alleged to have been advanced by the said McKinley to George Latimer, late a paymaster in the Militia of the said State, he be credited, on the settlement of his accounts with the Commissioner of Accounts for the State of Delaware, with the sum above mentioned.

[A motion being made by Mr. [John] Kean, seconded by Mr. [Edward] Carrington, as follows]:¹

Whereas it appears, from a letter from E: Blake, commissioner elect of the continental loan office in the State of South Carolina, that it will not suit him to accept the appointment, unless he is allowed to carry on the factorage business, so far as to sell the produce of the country on commission; and whereas the selling the produce of the country on commission, is not in that state, and ought not

¹ The words bracketed are in the writing of Charles Thomson.

to be construed to mean a being concerned, directly or indirectly, in trade; therefore *Resolved*, That the board of treasury inform Mr. Blake, that he may qualify as commissioner of the Continental loan office in the State of South Carolina.¹

[A motion was made by Mr. [Rufus] King, seconded by Mr. [Nathan] Dane, to strike out the words "And whereas the selling of the produce of the country on commission, is not in that state, and ought not to be construed to mean a being concerned, directly or indirectly, in trade; therefore:" And on the question, shall those words stand? the yeas and nays being required by Mr. [Rufus] King,

<i>Massachusetts,</i>			<i>Delaware,</i>	
Mr. Gorham,	no	}no	Mr. Patten,	no
King,	no		Rodney,	no
Dane,	no			
<i>Rhode Island,</i>			<i>Maryland,</i>	
Mr. Manning,	no	*}	Mr. Harrison,	no
<i>Connecticut,</i>			<i>Virginia,</i>	
Mr. Johnson,	no	}div.	Mr. Monroe,	ay
Mitchell,	ay		Carrington,	ay
<i>New York,</i>			<i>North Carolina,</i>	
Mr. Smith,	no	}no	Mr. Bloodworth,	no
Haring,	no		White,	ay
<i>New Jersey,</i>			<i>South Carolina,</i>	
Mr. Symmes,	ay	}div.	Mr. Ramsay,	ay
Hornblower,	no		Kean,	ay
<i>Pennsylvania,</i>			<i>Georgia,</i>	
Mr. Pettit,	no	}no	Mr. Few,	no
Bayard,	no			

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

A motion being then made by Mr. [John] Kean, seconded by Mr. [Edward] Carrington,

That the board of treasury take order to inform Mr. E. Blake, that he may qualify as commissioner of the continental

¹ This motion, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 36, III, folio 247.

loan office in South Carolina,¹ and on this, a question being taken and lost; on motion of Mr. [Rufus] King, seconded by Mr. [John] Kean]:²

Whereas the ordinance regulating the duties of the commissioners of the continental loan office, declares that the said officers shall not, directly or indirectly, be concerned in trade; and whereas Mr. Blake, commissioner elect of the loan-office of the State of South Carolina, has signified to the board of treasury, that it will not suit him to accept the appointment of Commissioner of the loan office, unless he is allowed to carry on the factorage business, so far as it relates to selling the produce of the Country on commission,

Resolved, That friday next be assigned for the election of a Commissioner of the continental Loan Office for the State of South Carolina.²

On motion of Mr. [Nathan] Dane, [seconded by Mr. [Rufus] King,]³

Resolved, That the Geographer of the United States, and the surveyors appointed pursuant to the ordinance of Congress, passed May 20, 1785, for ascertaining the mode of disposing of lands in the western territory, and who have accepted their appointments, proceed in the execution of the said ordinance. Provided that they do not proceed further northerly than the East and West line mentioned in the said ordinance.⁴

¹ This motion, in the writing of John Kean, is in the the *Papers of the Continental Congress*, No. 36, III, folio 249.

² This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 221.

³ The words bracketted are in Charles Thomson's handwriting.

⁴ Dane's motion was offered May 3, *q. v.*, and, in the form of a printed broadside with ms. changes by Charles Thomson, bringing it into conformity to the above, is in No. 30, folio 83.

MAY 9: The following committee was appointed: Mr. [John] Kean, Mr. [Edward] Carrington and Mr. [John] Lawrance, on the "report on Mr. H: Purcells petition." Report was rendered May 11 and acted on May 12. The petition is dated April 15, 1785 and is in No. 42, VI, folio 371. See *ante*, May 13, 1785.

Committee Book No. 190.

WEDNESDAY, MAY 10, 1786.

Congress assembled. Present as yesterday.

Mr. William Blount, a delegate for the State of North Carolina, attended, and took his seat in Congress.

THE STATE OF NORTH CAROLINA, BY THE GRACE OF GOD, FREE AND INDEPENDENT.

To all whom these presents shall come, Greeting:

Know ye that our General Assembly at their Session in November last did, by Joint Ballot of both Houses, Elect The Honourable William Blount, John Sitgreaves, Charles Johnston, Timothy Bloodworth, Adlai Osborne, and Richard Dobbs Spaight, Esquires, Delegates of this State to Represent the same in the Congress of the United States of America for one Year, to commence on the first Monday in November next.

We do therefore, by these presents Nominate, Commissionate, and appoint the said William Blount, John Sitgreaves, Charles Johnston, Timothy Bloodworth, Adlai Osborne, and Richard Dobbs Spaight Delegates to Represent this State in the Honorable the Congress of the United States of America for one Year, to commence on the first Monday in November next To HOLD exercise and enjoy the said appointment, with all powers, privileges, authorities and emoluments to the same belonging or in anywise appertaining for and during the Term aforesaid.

Witness our Trusty and well beloved Richard Caswell, Esquire our Governor, Captain-General and Commander in Chief, under his hand and our Great Seal at Kinston the third day of September in the Year of our Lord One thousand Seven hundred and eighty five And in the Tenth Year of our Independence.

[Great seal pendent]

R^d CASWELL.¹

By His Excellency's Command:

WINSTON CASWELL, *P. Sec.*

¹ This commission is in the *Papers of the Continental Congress*, North Carolina Commissions. It is entered in the *Record of Credentials* No. 179, but not in the Journal.

The Board of Treasury to whom was Referred the Memorial of David Reynolds, Praying Relief on account of a Balance due to him from the United States, for Purchases by him made as an Assistant Commissary to the late Army, Beg leave to Report:

That the Case of the Memorialist, however distressing, is not distinguished from many others whose private property has been pledged and sacrificed, for the Support. of the late War, and who can only be relieved by the Exertions of the several States to pay into the General Treasury their full Quotas of the different Requisitions.

That the present Collection of Taxes is not adequate to defray the Expences of the Civil Establishment; and that therefore it would be improper, in the Opinion of this Board, to attempt the payment of any Debt which has already been Liquidated by the proper Commissioner.

They therefore Submit to the Consideration of Congress the following Resolve.

That the Memorial of David Reynolds, late an Assistant Commissary of Purchases, praying Payment of a Balance found due him on a final Settlement of his Accounts with the United States cannot be complied with.

All which is humbly Submitted.¹

May 9th, 1786.

MAY 9th, 1786.

The Board of Treasury to whom was Referred the Memorial of Peter Cornelius Decker, of the County of Ulster in the State of New York, Beg leave to Report:

That it appears from the Deposition of Daniel Graham, that on the 28th May, 1779, he delivered to Derick Ten Brook, then Continental Loan Officer for the State of New York, the Sum of Three thousand Dollars, being the property of Peter Cornelius Decker; that the said Loan Officer not having at that time Certificates in hand, gave a Receipt to the said Graham for the Money by him Deposited, promising to issue Loan Office Certificates for the Amount, bearing date at the time the Money was lodged, whenever a Supply of Certificates was transmitted to his Office.

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 289. According to indorsement it was read May 10.

That this Deponant some time after transmitted to the Office of the said Derick Ten Brook the Receipt for the Money deposited as aforesaid, together with other Receipts for Monies lodged with the said Loan Officer for the purposes abovementioned; and that the said Derick Ten Brook did accordingly Issue Loan Office Certificates for all the Monies specified in the said Receipts, bearing date on the 28th May, 1779 (the time of the Deposit), excepting for the Sum delivered him on Account of the Memorialist, which was of a much later Date.

From the above premises the Board submit to the Consideration of Congress the following Resolve.¹

The Committee [consisting of Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom a motion of Mr. [Nathan] Dane was referred for considering and reporting the form of a temporary government for the western States beg leave to report,

It being stipulated by individual States in their Acts of Cession to the United States, that the Territory thus ceded be laid into States of certain dimensions, and admitted into the Confederacy with the rights of the 13 original States, it becomes necessary that Congress should take such measures as shall be best calculated to carry the said condition into effect.

This can be done only by promoting its settlement and securing to its settlers and others who may purchase the soil, the rights of property and of personal safety, with the Conditions upon which they shall ultimately obtain that important privilege. The Committee therefore think it the duty of Congress to adopt and publish, previous to the sale of any part of the said territory, the plan of a temporary government for said State or States, with the period at which it shall expire, and they assume their form and equal Station in the Confederacy.

They are aware of the propriety of defining in the first instance the bounds of the States within which such government shall apply; but as Congress did on the day of recommend it to

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 275. According to indorsement it was read May 10 and the resolve submitted passed September 12, where it is spread verbatim on the Journal. Decker's petition is in No. 42, II, folio 324.

the said States to revise their Acts of Cession, as to the said Condition which respects their dimensions so as to enable the United States to make such division of the same as therein described, it would in their Opinion be improper to make any further arrangements respecting it until the fate of the said recommendation shall be determined. It is, however, to be understood that if the reasons urged for the proposed alteration shall be satisfactory, and the States accede to it, the States as therein designated shall be perpetual. But if on the contrary, they should adhere to the said Condition, however unfortunate it may be in its consequences, the States must be contracted to an extent of territory conformable to the condition as it now stands. Leaving therefore this point to be determined by this event, the Committee beg leave to submit the following plan of temporary Government for such State or States.

THE PLAN OF A TEMPORARY GOVERNMENT FOR SUCH DISTRICTS AS SHALL BE LAID OUT BY THE UNITED STATES, UPON THE PRINCIPLES OF THE ACTS OF CESSION FROM INDIVIDUAL STATES, AND ADMITTED INTO THE CONFEDERACY.

The United States in Congress Assembled will appoint a governor, whose Commission shall continue in force for the term of years unless sooner revoked by Congress.

They will also appoint a Council consisting of five members, whose Commissions respectively shall continue in force for the term of years, unless sooner revoked by Congress. It shall be the duty of the Council in all cases, when he shall require it, to attend and advise the Governor upon such subjects as he shall submit to their consideration, respecting the affairs of the district and which in his Opinion shall fall within his department.

There shall likewise be appointed a Secretary to the Governor and Council, whose business it shall be to Keep a Journal of all proceedings, carefully entering the advice of Council in all cases submitted to them, with those reasons which influenced the Governor, when he disagrees with them, and acts differently, for such disagreement; the advice of Council to be entered in all cases in presence of the Governor, and the reasons of the Governor in the other instance in presence of the Council and report a Copy of all such proceedings every months to

There shall also be appointed a Court, to consist of five Members who shall have a common law and Chancery Jurisdiction, and whose Commissions shall continue in force during good behaviour.

The laws of _____ except in such cases as are herein provided for shall be established in such district, and continue in force, subject only to alteration by the General Assembly after it shall be organized, until its admission into the Congress of the United States. All writs shall issue, and legal process carried on in the name of the United States.

The Governor shall, in all cases of Consequence, take the advice of Council; but shall be at liberty to pursue it, or act otherwise, as his own Judgment shall direct.

The Governor for the time being, shall be commander in Chief of the Militia, all Officers below the rank of Major shall be of his appointment; all Officers above that rank, shall be appointed by Congress; and all Officers of every rank and degree, shall be commissioned by Congress.

The Governor shall form the inhabitants of such districts into a Company or Regiment, as their numbers will admit; build a fort or forts and make such other arrangements for their security and defence, as in his Opinion shall be Necessary; provided that he shall avoid commencing hostilities with the Indian tribes, to whom the United States have extended their protection, and with whom it is their desire to be at peace.

Upon petition from the people forming such settlement or settlements, to the Governor, he shall proceed to lay out their lands into Counties, townships, or otherwise, and make such other inferior and local arrangements consistent with the Ordinances and Resolutions of Congress as shall in his Opinion be best calculated to promote their interest and happiness.

So soon as there shall be _____ free male inhabitants of full age within the said district, upon giving due proof thereof to the Governor, who shall immediately transmit the same to Congress they shall receive from *them* authority, with time and place, to elect representatives from their Counties or Townships, as aforesaid, to represent them in general Assembly; provided that for every free male inhabitants, there shall not be less than one Representative, and so on progressively with the number of free male inhabitants shall the right of representation encrease; provided, that no person shall be

eligible, or qualified to act as a Representative, unless he shall be a Citizen of one of the United States, or have resided within such district years, and shall likewise hold in his own right in fee simple Acres of land within the same; provided also, that a freehold or life estate, in 50 acres of land, if a Citizen of any of the U. S., and one year's residence, if a foreigner, in addition shall be necessary to qualify a man as elector for the said Representative.

The Representatives thus elected shall serve for the term of years, and in cases of death, resignation, or renunciation of Office, the house of Representatives shall issue a writ to the County or Township for which he was a member, to elect another in his stead to serve for the residue of the time.

The General Assembly shall consist of the Governor and Council, and a House of Representatives, who shall have a Legislative authority complete in all cases for the good government of the district; provided however, it shall be confined solely in its Acts, to such lands as shall be disposed of by the United States, or have already vested in proprietors under the Articles of Capitulation entered into with the Inhabitants of Kaskaskies, S^t Vincents, and the Neighbouring Villages by the Officers of the Commonwealth of Virginia, and to the Officers and soldiers of the Virginia line, which rights have been secured to them by the Act of Cession from the said State to the United States; Provided also that the lands of non-resident proprietors whether Citizens of the United States or foreigners shall in no instance be taxed higher than those of Residents.

All laws shall originate in the House of Representatives; and having passed there by a Majority of the Representatives of the district, shall be referred to the Governor for his assent; after obtaining which they shall be complete and valid; but no bill, resolution, Ordinance, or Legislative Act whatever, shall be valid or of any force without his assent.

The Governor shall have power to convene, prorogue or dissolve the general Assembly at their request, or when in his opinion it shall be expedient.

The said Inhabitants or settlers shall be subject to pay a part of the federal debts contracted or to be contracted, and to bear a proportional part of the burdens of the government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States.

From the time the settlers in such district shall have formed a general Assembly until they shall be admitted by their Delegates into Congress, they shall have authority to Keep a member in Congress with the right of debating, but not of voting.

The annual Salary of the governor, shall be that of a member of Council of the Secretary of a Judge of the Court

The Board of Treasury shall devise and report the most equal and effectual means of assessing upon the said district annually such sums as shall be necessary to defray the expences of its government, until the organization of the general Assembly, after which such general Assembly shall have full authority for the purpose.

The object for which this temporary government is instituted being to protect the persons and rights of those who may settle within such districts in the infancy of their settlement, the United States look forward with equal anxiety to the period at which it shall cease and they be admitted, agreeably to the Condition of the Acts of Cession into the Confederacy.

This shall be the case so soon as they shall respectively obtain a common interest in its affairs, with such mature age and strength as to be able to act for themselves, the highest and most satisfactory evidence of which is, the number of inhabitants they will contain; It is therefore hereby declared by the United States in Congress Assembled that so soon as any of the said districts shall contain an equal number of free male inhabitants, with the least numerous of the 13 Original States for the time being, upon giving due proof thereof to Congress, the inhabitants of such district shall receive from them, authority to elect Representatives to meet in Convention, at the Metropolis or seat of government of said district, to form a free constitution of their own, appoint Delegates to the Congress of the United States, who shall be received in the same, upon an equal footing with the 13 Original States, having the same rights of freedom, sovereignty and Independence as the said States.

Resolv'd that the resolutions of the 23^d of April, 1784, in the following words viz. (here insert the resolutions) be and they are hereby repeal'd.¹

¹ This report, in the writing of Henry Remsen, Jr., with the preamble and resolve in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 30, folio 85. According to indorsement it was read May 10 and Thursday May 18 assigned for consideration. See also *post*, July 13.

MAY 10: The "Petⁿ of John Wheelock, late Lt Col: in Bedel's reg^t for compensation for services previous to the organization and after the dissolution of

THURSDAY, MAY 11, 1786.

Congress assembled. Present, as before.

According to Order Congress resumed the consideration of the report of a committee consisting of Mr. Johnson, Mr. Hindman, Mr. Grayson, Mr. Ramsay and Mr. Livermore to whom was referred a motion of the delegates of the State of Connecticut relative to that state's claim to western territory, . . .¹

A motion was made by Mr. [William] Houstoun, seconded by Mr. [Charles] Pettit.

That a Committee be appointed to take under consideration the ordinance passed the 20th May, 1785, and the resolve the regiment," was referred to the Commissioner of Army Accounts to report. He reported May 16. See *post*, May 15.

The "Meml of Saml Montgomery late capt and Major by brevet, praying for a renewal of his commissions which he lost in the Indian Country" was referred to the Secretary at War to report.

Committee Book No. 190.

Also, according to indorsement, a letter of May 9, from the Secretary for Foreign Affairs forwarding a note from Don Diego Gardoqui, was read. See *post*, May 11. Jay's letter is in No. 80, II, folio 321. Gardoqui's letter, dated May 8, related to the case of the Spanish sloop *Virgen de Carmen*, alias *el Rey de Prussia*, and with translation is in No. 97, folios 138-146.

¹ This entry, in the writing of Thomson and Alden, has been crossed out. The portion omitted here is a verbatim copy of the first half of the insert of Connecticut's deed of cession. See *ante*, April 10, where it is noted that further consideration was postponed to May 15. In No. 30, folio 525 is an unidentified motion which reads: "Resolved that when the State of Connecticut shall cede to the U. S. all her right of jurisdiction to the territory Westw^d of y^e Pensylvania line and her right of soil to the territory lying Westward of a line to be drawn pararel to the Pensylvania line 60 Miles Westward of the said line as agreed to by the States of Virg^a and Pensylvania that Congress will accept of the same—Provided that such cession or acceptance shall not affect in any degree the decree of the federal Court held at Trenton." Cf. *post*, May 22, St. Clair's motion.

of the 9th Instant, respecting the said Ordinance, and to report whether any, or what alterations may be necessary.¹

On the question to agree to the motion, the Yeas and Nays being required by Mr. [William] Houstoun,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Long,	no}	*	Mr. Patten,	no}	}div.
<i>Massachusetts,</i>			Rodney,	ay}	
Mr. Gorham,	no}	}no	<i>Maryland,</i>		
King,	no}		Mr. Hindman,	no}	}no
Dane,	no}		Harrison,	no}	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	no}	*	Mr. Grayson,	ay}	}ay
<i>Connecticut,</i>			Carrington,	ay}	
Mr. Johnson,	no}	}no	<i>North Carolina,</i>		
Mitchell,	no}		Mr. Blount,	ay}	}ay
<i>New York,</i>			Bloodworth,	ay}	
Mr. Lawrance,	no}	}no	White,	ay}	
Smith,	no}		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Ramsay,	no}	}no
Mr. Symmes,	no}	}no	Kean,	no}	
Hornblower,	no}		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Houstoun,	ay}	}ay
Mr. Pettit,	ay}	}div.	Few,	ay}	
Bayard,	no}				

So the Question was lost.

WAR OFFICE, May 11th, 1786.

SIR: Lieut. Col. Harmar being about to depart for the Posts on the Ohio, I conceive that it may be true policy, to enable him to conciliate the affections of the Indian Chiefs, by occasionally giving them small presents. It will also be necessary that he should be furnished with some money to employ Agnts, to discover the Designs of the Indians from time to time, and to discover the conduct of the British Officers commanding the Posts on the communication of the Lakes; and also

¹ This motion, in the writing of William Houstoun, with the final clause in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 36, III, folio 253. As offered the motion read: "That a Committee be appointed to take under Consideration the Ordinance passed the 20th May, 1785, and the resolve of the 9th Inst. respecting the said Ordinance and report the objections thereto and propose such amendments, if any, as may be thought necessary."

to hire Indian Interpreters. Having perfect Confidence in his Discretion and Integrity, I take the liberty to apply to Congress for authority to furnish him with six hundred Dollars, to be applied to the advancement of the public Interests in the manner above recited, for the Disbursement of which he will account with me. The sum so advanced is comprehended under the head of Contingencies of the War Department, contained in an Estimate of the Expences of said Department for the present year transmitted to the Board of Treasury on the 28 of January last.

I have the honor to be, with the highest Respect &c.

H. KNOX.

May 11, 1786: *Ordered*, That the foregoing Letter from the Secretary of War, be referred to the Board of Treasury to take Order.¹

The Committee [consisting of Mr. John Kean, Mr. Edward Carrington and Mr. John Lawrance] to whom was referred the Petition of H. Purcell, report:

That on the 17th Feb^y, 1778, Congress confirmed to the s^d H. Purcell the appointment of Dep^y Judge advocate general in the States of S^o Carolina and Georgia to which place he had been appointed by Brig^d R. Howe.

That he continued to perform the duties of s^d office (by the best information the committee can obtain) from the time of his appointment until the last of the year 1779, at which time he left those states, that he returned to the army under the command of Gen^l Greene the latter part of the year 1782 and performed the duties of the said office.

That the common usage of Congress hath been where they have appointed persons holding commissions to exercise the duties of another office, to make them an extra allowance for such service.

That the extra allowance made to the Dep^y acting with the Judge advocate with the northern army was fifteen dol^s p^r month and twelve and $\frac{2}{3}$ ^{ds} dollars subsistence.

That Congress on the 11th July, 1782, resolved that the Dep^y judge advocate in the Southern department should be taken out of the line and allowed including his pay sixty dollars p^r month exclusive of subsistence, which resolution in the opinion of your committee operated the dismissal of M^r Purcell from that office; but for the

¹ The above letter and order is entered by Benjamin Bankson in Resolve Book No. 123; it is also noted by Thomson and Alden in Committee Book No. 190.

time he performed the duties of the said office viz^t in the years 1778, 1779, 1781, and 1782 which may be estimated at thirty months, your committee are of opinion he ought to receive an allowance, they therefore submit the following resolution:¹

OFFICE FOR FOREIGN AFFAIRS,
11th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 11th October last from the Honorable M^r Jefferson with the sundry Papers that were enclosed with it, Reports:

That as this Letter and these Papers respect Subjects unconnected with each other, your Secretary finds it necessary to arrange them under different Heads, and report on each in its proper Order.

NEGOCIATIONS WITH THE BARBARY POWERS.

(1) The Commissions of Mess^{rs} Adams and Jefferson appointing M^r Barelay to treat with Morocco, and M^r Lamb with Algiers, and their general Instructions to each of them, and the Project of a Treaty—all of which appear to your Secretary to be proper; but he much doubts whether the Sums allotted for Presents and Peace Offerings will be sufficient.

(2) A Letter to M^r Jefferson from Richard O'Bryan Master of the Ship *Dauphin* belonging to Mess^{rs} Mathew and Thomas Irwin & Co. of Philadelphia captured by the Algerines 30th July, 1785. This letter is similar to one written by the same Person on the 28th August, last, to his Excellency the President of Congress, and on which your Secretary made Report the 2^d January, last.

This Letter, however, gave Occasion to the supplementary Instruction to M^r Lamb, by which he is authorized to supply and redeem American Captives, in the Manner and on the Terms therein specified. M^r Jefferson in mentioning this Instruction says "The supplementary Instruction to M^r Lamb N^o 5, must rest for Justification on the Emergency of the Case. The Motives which lead to it must be found in the Feelings of the human Heart, in a Partiality for these Sufferers who are of our own Country, and the obligations of every Government

¹ This report, in the writing of John Kean, is in the *Papers of the Continental Congress*, No. 19, V, folio 221. According to indorsement, it was entered May 11 and passed May 12, where the resolution submitted is spread verbatim on the Journal.

to yield Protection to their Citizens, as the Consideration for their Obedience. It will be a Comfort to know that Congress does not disapprove of this Step.

In cases of this kind your Secretary thinks the Sentiments and Pleasure of Congress should not remain doubtful, and that in his Opinion it should be—

Resolved, That the Secretary for the Department of foreign Affairs inform M^r Adams and M^r Jefferson that Congress approve of their supplementary Instruction to M^r Lamb respecting american Captives at Algiers.

TREATY WITH PORTUGAL

M^r Jefferson says “that considering the Treaty with Portugal among the most interesting to the United States, he sometime ago took Occasion at Versailles to ask the Portuguese Ambassador, if he had yet received from his Court and Answer to their Letter, he told him he had not, but that he would make it the Subject of another Letter; two Days ago his Secretary of Legation called on him with a Letter from his Minister to the Ambassador in which was the following Paragraph as he translated it to him, and he committed it to writing from his . . . Mouth.” This Paragraph being in french, the following is a translation of it, viz^t With Respect to what your Excellency mentions of a Conversation with the american Minister—that Power ought already to be persuaded by the manner in which their Vessels have been received here—that his Majesty would have much Satisfaction in maintaining perfect Harmony and good Correspondence with the United States. But it would be proper to begin by reciprocally appointing Persons who, at least in the Character of Agents would respectively inform their Constituents of whatever might conduce to a Knowledge of the Interests of the two Nations, without Prejudice to the one or the other. It is the first Step which appears convenient to take in order to the End proposed.

M^r Jefferson says he considers that Answer “as definitive of all further Measures under his and M^r Adams’s Commission to Portugal.”

Here it appears proper to your Secretary to remind Congress of a Letter of 5th November last from M^r Adams on this Subject, and on which he thinks Instructions should be given to M^r Adams.

It states the Substance of a Conference between him and the Chevalier Pinto, Envoy extraordinary and Minister Plenipotentiary from Portugal; to whom it seems that Court had thought proper to commit the Conduct of their Negotiations with us, in Preference to their Ambassador at the Court of France.

The Overture made in that Conference together with the Importance of our Trade with Portugal, induces your Secretary to think that it would be adviseable to take Measures for concluding a Treaty of Commerce with that Kingdom, and the more so as the commercial Privileges we now enjoy in their Ports, are Matters of Favor, which may at any time be recalled, and which would probably be diminished, if apparent Inattention to their friendly Overtures should mortify and disgust that Court.

TREATIES WITH OTHER POWERS

A subsequent Letter from M^r Jefferson viz^t 27th January, 1786, mentions that the Emperor is willing to proceed with us. There is Reason to believe that Denmark is also ready, and that Naples has intimated the same thing.

Your Secretary has in former Reports expressed his Sentiments respecting Treaties of the kind proposed, but as the first Overtures for them were made by America, it seems difficult now to retract, merely because the Answers though favorable have been so long delayed. The delicate Situation of the United States requires Caution, and it might be better to submit to some temporary Evils rather than disgust those Powers, who may now be ready to enter into Treaties with us; and whose Ports in Case of War might be very convenient to us.

Your Secretary is therefore much inclined to think that it would be most prudent to renew the Commission, and by limiting the Duration of the proposed Treaties to a short Term, provide that the Inconveniences arising from them shall not be of longer Continuance. Circumstances will by that Time probably place the United States on more advantageous Ground, and enable them to make Treaties far more beneficial than any that can now be expected. In his Opinion, however, no further Overtures should be made, nor any Negotiations

for such Treaties commenced with any Nation except those that may have declared their Readiness and Inclination to enter into them.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.¹

FRIDAY, MAY 12, 1786.

Congress assembled. Present as before.

On motion of Mr. [Rufus] King, seconded by Mr. [Josiah] Hornblower:

Whereas the Ordinance for ascertaining the mode of disposing of lands in the western Territory, directs, "that the Geographer and Surveyors shall pay the utmost attention to the variation of the magnetic needle, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the times of running the lines thereon noted;" which direction will greatly delay the survey of the said territory,

Resolved, That the above recited clause in the said Ordinance be, and the same hereby is repealed.²

According to order, Congress proceeded to the election of a Commissioner of the continental Loan Office for the State of South Carolina; and, the ballots being taken,³ Mr. John

¹ This report, is in the *Papers of the Continental Congress* No. 80, II, folio 103. According to Committee Book No. 189 it was presented May 11. Jefferson's letter of October 11, 1785, with its enclosures is in No. 87, I, folios 129-186.

MAY 11: On this day, according to indorsement, was read a letter of May 11 from the Secretary at War, enclosing copies and extracts of letters etc. containing news from the Ohio country. Knox's letter is in No. 150, I, folio 245, the enclosures are on folios 249-269.

Also, the note from Don Diego Gardoqui, dated May 8, on the case of the *Virgen de Carmen*, known as the *King of Prussia*, was referred to the Secretary for Foreign Affairs to report. He reported May 17. See *ante*, May 10.

Also was read a note from the Secretary for Foreign Affairs transmitting a letter and note from Mr. Van Berekel, dated May 10 respecting the case of the Dutch sloop *Chester*. Jay's letter is in No. 80, II, folio; Van Berekel's and translations are in No. 99, folios 241-254.

Also was read a letter of May 11 from John Cochran accepting the appointment of Continental Loan Officer for the State of New York. It is in No. 78, VI, folio 315.

² This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 30, folio 423.

³ Charles Thomson here resumes the entries in the Journal.

Neufville was elected, having been previously nominated by the delegates of that State.¹

The delegates for the State of New York, laid before Congress, two acts passed by the legislature of that state, which were read, one entitled "An act acceding to the acts of Congress of the 27th September, and the 12th October, 1785, passed 28 April, 1786."²

The other, entitled "An Act for giving and granting to the United States in Congress assembled, certain Imposts and duties on foreign goods imported into this State, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain, passed the 4th of May, 1786."³

On motion of Mr. [William] Grayson, seconded by Mr. [Rufus] King,

Resolved, That the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same be, and are hereby declared to be common highways, and be for ever free, as well to the Inhabitants of the said territory, as to the citizens of the United States, and those of any other States, that may be admitted into the confederation without any tax, Impost or duty therefor.⁴

On report of the committee, to whom was referred the petition of Henry Purcell,

¹ Committee Book No. 190 contains an entry in Thomson's writing that Neufville was nominated by Mr. [Charles] Pinckney.

² At this point Roger Alden commences the entries in the Journal.

³ According to Committee Book No. 190, this act was referred to Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [John] Lawrance and Mr. [Charles] Pettit, who rendered a report June 13. See *post*, June 16. The New York Act is in No. 75, folio 179. The act acceding to the acts of Congress of September 27 and October 12, 1785, was referred to the Board of Treasury. A copy is in No. 139, folio 287.

⁴ This motion, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 30, folio 115. In it, however, the navigable waters were to "be considered as Common highways" and David Ramsay has made the change to the text of the Journal.

Resolved, That the commissioner of Army accounts, issue to the Rev^d Henry Purcell, a certificate of one thousand dollars, in full, for his extra pay and emoluments ¹ as deputy Judge advocate General in the States of South Carolina and Georgia.

² *On the question to adjourn the yeas and nays being required by Mr. Houston*

OFFICE FOR FOREIGN AFFAIRS,
12 May, 1786.

DEAR SIR, Understanding that Doct^r Ramsay will leave the Chair this Day, and that another Chairman will not be appointed till next Week I take the Liberty of committing the enclosed Papers to your Care, and am with real Esteem and Regard, Dear Sir

Your Friend and Serv^t

JOHN JAY.³

Ch^s Thomson Esq^t

MONDAY, MAY 15, 1786.

Congress assembled. Present as before.

The time for which Mr. [David] Ramsay was elected a delegate being expired, and he having departed; on Motion of Mr. [John] Kean, seconded by Mr. [John] Lawrance,

Resolved, That a chairman be elected to serve until the first Monday in June next.

Congress proceeded to an election; and, the ballots being taken, the hon^{ble} Nathaniel Gorham was elected.

The order of the day being called for by the state of South Carolina, to proceed to the election of a Minister plenipotentiary to the United Netherlands,

A motion was made by Mr. [Rufus] King, seconded by Mr. [Pierse] Long,

¹ In the committee report, see May 11, 1786, the amount was left blank.

² At this point Thomson resumes the entries in the Journal. The vote on adjournment which follows and which is, however, in the writing of Roger Alden and crossed out by Thomson, shows that only Houston voted against adjournment.

³ This letter is in No. 80, II, folio 329. See *post*, May 15.

That the Order of the day be postponed; and on the question for postponing, the yeas and nays being required by Mr. [William] Houstoun,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Long,	ay	}*	Mr. Patten,	ay	}div.
<i>Massachusetts,</i>			Rodney,	no	
Mr. Gorham,	no	}ay	<i>Maryland,</i>		
King,	ay		Mr. Hindman,	no	}no
Dane,	ay		Harrison,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	ay	}*	Mr. Grayson,	no	}no
<i>Connecticut,</i>			Monroe,	no	
Mr. Johnson,	ay	}ay	Carrington,	no	
Mitchell,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Blount,	no	}no
Mr. Lawrance,	no	}ay	Bloodworth	no	
Smith,	ay		White,	no	
Haring,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Pinckney,	no	}no
Mr. Symmes,	ay	}ay	Kean,	no	
Hornblower,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Houstoun,	no	}no
Mr. Pettit,	ay	}ay	Few,	no	
Bayard,	ay				
St. Clair,	ay				
Wilson,	no				

So the question was lost.

Congress proceeded to the election, but no choice being made,

Ordered, That the order of the day for electing a Minister plenipotentiary to the United Netherlands, be postponed.¹

A letter of this day from the honorable James Monroe, was read, informing, "that some circumstances will put it out of his power to act as a judge for the decision of the controversy

¹ This proceeding was also entered in Secret Journal Foreign Affairs No. 5, by Benjamin Bankson.

between the states of Massachusetts and New York, and therefore he presents his resignation to Congress." ¹

The Board of Treasury to whom was Referred the Memorial of John Thaxter of the County of Essex in the State of Massachusetts, Beg leave to Report:

That it appears by the Deposition of the Memorialist, that he Embarked with the Honorable John Adams as his private Secretary, when M^r Adams was appointed sole Minister for Negotiating a Treaty of Peace with Great Britain, on the 15th February, 1779, and that he resided with him in that Capacity until the 14th November, 1783, at which time he returned to America, with the Definitive Treaty of Peace betwixt Great Britain and the United States.

That the Memorialist states that the whole Amount of Public Monies, which he has received during his residence with M^r Adams is Three hundred Pounds Sterling, which Sum was Advanced to him by the Minister abovementioned.

On the circumstances stated in the said Memorial the Board beg leave to Observe. That there has been Allowed by Congress to the Private Secretaries of different Foreign Ministers of the United States, the Sum of Three hundred Pounds Sterling per Annum, for the time they Acted in that Capacity; the usual Evidence of which has been the Certificate of the Minister, with whom the said Secretaries respectively resided.

The Board being therefore of Opinion that the Claim of M^r Thaxter for the same Allowance is well founded, recommend to the Consideration of Congress the following Resolve.²

¹ Monroe's letter is in No. 78, XVI, folio 491.

² This report, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 433. According to indorsement it was read May 15; The resolve submitted was passed June 30 and is spread verbatim on the Journal of that date. See *ante*, May 2.

MAY 15: The following committee was appointed: Mr. [Pierse] Long, Mr. [William] Blount and Mr. [Timothy] Bloodworth, on the "report of the Comm^r for Army Acc^{ts} on mem^l of John Wheelock." A report was rendered May 19. John Pierce's report, which, according to indorsement was read May 16, is in No. 62, folio 127; the gist of it is in the committee report of May 19.

Also the "Petition of Robert Owen for his pay and compensation for his sufferings" was referred to the Board of Treasury to report. A letter from Owen dated April 15, 1786, is in No. 78, XVII, folio 381.

Also the name of "Doct S. W. Johnson" was withdrawn from nomination as Minister to the United Netherlands. See *ante*, March 28.

Committee Book No. 190.

Also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated May 12, forwarding sundry letters and papers from Mr. [John] Adams. See *post*, May 17. Jay's letter is in No. 80, II, folio 233.

TUESDAY, MAY 16, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from South Carolina Mr. [Charles] Pinckney.

WEDNESDAY, MAY 17, 1786.

Congress assembled. Present as yesterday.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson,

That after the first of July next, the Salaries of the Commissioners for settling the accounts between the United States and individual states, be dollars per Annum, and that no more than one commissioner shall be allowed in any state.¹

A motion was made by Mr. [Stephen Mix] Mitchell, seconded by Mr. [William Samuel] Johnson, to amend the motion, by inserting after "Annum" the words following, "and that the said Commissioners be elected annually:"

¹ This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 26, folio 597.

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [Stephen Mix] Mitchell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	}*	Mr. Patten,	no	}no
<i>Massachusetts,</i>			Rodney,	no	
Mr. Gorham,	no	}no	<i>Maryland,</i>		
King,	no				
Dane,	no				
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	ay	}*	Mr. Grayson,	ay	}div.
<i>Connecticut,</i>			Monroe,	no	
Mr. Johnson,	ay	}ay	<i>South Carolina,</i>		
Mitchell,	ay				
<i>New York,</i>			Mr. Bloodworth,	no	}no
Mr. Haring,	no	}no	White,	no	
Smith,	no				
<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Symmes,	no	}no	Mr. Pinckney,	no	}*
Hornblower,	no				
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	no	}no	Mr. Houstoun,	no	}no
Bayard,	no				
St. Clair,	no				
Wilson,	no				

So it passed in the negative.

The blank in the motion being filled with twelve hundred and fifty, and a division called for,

On the question, *Resolved*, That after the first of July next, the Salaries of the commissioners for settling the accounts between the United States and individual States, be twelve hundred and fifty dollars per Annum:

Ordered, That the remainder of the motion be postponed.

Congress took into consideration A treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America, and adopted and ratified the same, nine states being present, in the manner following:

THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED

To all whom these presents shall come Greeting:

Whereas a treaty of Amity and Commerce, between his Majesty the King of Prussia, and the United States of America, was concluded and signed by the Plenipotentiaries of the said United States, and by the plenipotentiary of his said Majesty, duly and respectively authorised for that purpose, at the places of their respective residence, and at the dates expressed under their several signatures, which said treaty, written both in the American and French languages, is in the words following, to wit:

Traite d'Amitie et de commerce, entre
Sa Majesté le Roi de Prusse, et les
Etats unis de l'Amérique.

Sa Majesté le Roi de Prusse, &c. &c. et les Etats Unis de l'Amérique, désirant de fixer d'une manière permanente et équitable les règles qui doivent être observées relativement à la correspondance et au commerce à établir entre les états respectifs des deux parties; sa Majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but, qu'en posant pour base de leurs engagements la plus parfaite égalité et reciprocité.

Dans cette vüe Sa Majesté le Roi de Prusse a nommé et constitué pour son plénipotentiaire le Baron Frédéric Guillaume de Thulemeier, son conseiller privé d'ambassade et Envoyé extraordinaire auprès de L. H. P. les Etats Généraux des Provinces Unies; Et les Etats Unis ont de leur côté pourvu de leurs pleinpouvoirs le Sieur John Adams, ci-devant l'un de leurs ministres plénipotentiaires pour traiter de la paix, Delegué au Congrès de la part de l'état de Massachusetts, et chef de justice du dit état, actuellement Ministre plénipotentiaire des Etats

¹ A Treaty of Amity and Commerce, between his Majesty the King of Prussia, and the United States of America.

His majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse ² and Commerce they desire to establish between their respective Countries; his Majesty and the United States have judged that the said end cannot be better obtained, than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view, his Majesty the King of Prussia, has nominated and constituted, as his plenipotentiary, the baron Frederick William de Thulemeier, his privy Counsellor of Embassy, and Envoy Extraordinary with their High Mightinesses the States General of the United Netherlands; and the United States have, on their part, given full powers to John Adams, Esquire, late one of their Ministers plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the same, and now Minister plenipotentiary

¹ At this point Roger Alden commences the copying.

² At this point Benjamin Bankson takes up the copying.

Unis près sa Majesté le Roi de la Grand Bretagne; le Docteur Benjamin Franklin, en dernier lieu leur ministre plénipotentiaire à la cour de S. M. T. C., et aussi l'un de leurs ministres plénipotentiaires pour traiter de la paix; et le Sieur Thomas Jefferson, ci-devant Délegué au Congrès de la part de l'état de Virginie et gouverneur du dit état, actuellement Ministre plénipotentiaire à la cour de S. M. T. C., lesquels plénipotentiaires respectifs, après avoir échangé leurs pleinpouvoirs, et en consequence d'une mure délibération, ont conelu, arrêté et signé les Articles suivans:

ARTICLE 1. Il y aura une paix ferme, inviolable, et universelle, et une Amitié sincère, entre sa Majesté le Roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis d'Amérique, et leurs eitoyens, d'autre part, sans exception de personnes ou de lieux.

ARTICLE 2. Les sujets de sa Majesté de Prusse pourront fréquenter toutes les côtes et tous les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, Manufactures, et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les dits Etats Unis, que ceux que les nations les plus favorisées sont, ou seront obligées de payer; et ils jouiront de tous les droits, privilèges et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les Citoyens des Etats Unis et les Citoyens et sujets des nations le plus favorisées.

ARTICLE 3. Pareillement, les Citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et

of the United States with his Britannic Majesty; Doetor Benjamin Franklin, late Minister plenipotentiary at the Court of Versailles, and another of their Ministers plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a Delegate in Congress from the State of Virginia, and Governour of the said state, and now Minister plenipotentiary of the United States at the Court of His Most Christian Majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following Artieles:

ARTICLE 1. There shall be a firm, inviolable and universal peace and sincere friendship between his Majesty the King of Prussia, his Heirs, Successors and Subjects, on the one part, and the United States of America, and their Citizens, on the other, without exceptions of persons or plaees.

ARTICLE 2. The Subjects of his Majesty the King of Prussia, may frequent all the Coasts and Countries of the United States of America, and reside and trade there in all sorts of produce, manufactures and merehandise; and shall pay within the said United States no other or greater duties, charges or fees whatsoever than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and Commerce, which the most favored Nation does or shall enjoy; submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the Citizens of the United States, and the Citizens and Subjects of the most favoured Nations.

ARTICLE 3. In like manner the Citizens of the United States of America may frequent all the Coasts and

tous les pays de Sa Majesté le Roi de Prusse, y resider et trafiquer en toutes sortes de productions, manufactures et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits, dans les domaines de sa dite Majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, privilèges et exemptions dans la navigation et le commerce, dont jout ou jouira la nation la plus favorisée; se soumettant néanmoins aux lois et usages y établis, et aux quels sont soumis les sujets de sa Majesté le Roi de Prusse, et les sujets et citoyens des nations les plus favorisées.

ARTICLE 4. En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures, et marchandises, à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera permis à tous les sujets et citoyens de l'autre nation de les acheter librement; comme aussi d'y charger les productions, manufactures, et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement, que ceux qui sont ou seront payés par la nation la plus favorisée. Cependant, le Roi de Prusse et les états unis de l'Amérique, et chacun d'eux en particulier, se réservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des réglemens reciproques. Se reservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, des que la raison d'état l'exige.

Countries of his Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures and merchandise, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges or fees whatsoever, than the most favoured nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges and exemptions in navigation and Commerce which the most favoured nation does or shall enjoy; submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the Subjects of his Majesty the King of Prussia, and the Subjects and Citizens of the most favored Nations.

ARTICLE 4. More especially each party shall have a right to carry their own produce, manufactures and merchandise, in their own or any other Vessels, to any parts of the dominions of the other, where it shall be lawful for all the Subjects or Citizens of that other, freely to purchase them; and thence to take the produce, manufactures and merchandise of the other, which all the said Citizens or Subjects shall, in like manner, be free to sell them, paying, in both cases, such duties, charges and fees only, as are or shall be paid by the most favoured Nation. Nevertheless the King of Prussia and the United States, and each of them, reserve to themselves the right where any nation restrains the transportation of Merchandise to the Vessels of the Country of which it is the growth or manufacture, to establish against such Nation retaliating regulations; and also the right to prohibit, in their respective Countries, the importation and exportation of all Merchandise whatsoever, when reasons of State shall require it. In this case the Subjects or Citizens of either of the

En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelqu'autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

ARTICLE 5. Les marchands, commandans de vaisseaux, et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la juridiction de l'autre, de décharger aucune sorte de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus longtemps qu'il ne leur plaira.

ARTICLE 6. Pour éviter que les vaisseaux de l'une des deux parties contractantes ne soyent point inutilement molestés ou détenus dans les ports ou sous la juridiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soyent chargées sur la navire, et qu'ensuite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau, saisis ou détenus par cette raison.

ARTICLE 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux

contracting parties shall not import nor export the Merchandise prohibited by the other; but if one of the contracting parties permits any other Nation to import or export the same merchandise, the Citizens or Subjects of the other shall immediately enjoy the same liberty.

ARTICLE 5. The Merchants, Commanders of Vessels, or other Subjects or Citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of Merchandise into any other Vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE 6. That the Vessels of either party loading within the ports or Jurisdiction of the other, may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws, shall be made before they are laden on board the Vessel, and that there shall be no examination after; nor shall the Vessel be searched at any time, unless Articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the Vessel, be seized or detained for that cause.

ARTICLE 7. ¹ Each party shall endeavor, by all the means in their power, to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the other, which shall be

¹ At this point Benjamin Bankson takes up the copying.

citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre: et elle emploiera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes les vaisseaux et effets qui leur auront été enlevés dans l'étendue de sa dite juridiction.

¹ARTICLE 8. Les Vaisseaux des Sujets ou Citoyens d'une des deux parties contractantes, arrivant sur une Côte appartenante à l'autre, mais n'ayant pas dessein d'entrer au port, ou y étant entrés, ne désirant pas de décharger leurs Cargaisons, ou de rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur Cargaison, ni de payer aucuns impôts, charges et droits quelconques, excepté ceux établis sur les Vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même, ou à d'autres établissemens, qui ont pour but la Sûreté et la commodité des Navigateurs; les quels droits, charges, et impôts, seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les Sujets ou Citoyens de l'Etat où ils sont établis.

ARTICLE 9. Au cas que quelque Vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué, ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les Sujets ou Citoyens respectifs recevront, tant pour eux que pour leurs Vaisseaux et effets, la même assistance qui auroit été fournie aux habitans du pays où l'accident arrive; et ils payeront seulement les mêmes charges et droits, auxquels les dits habitans auroient été assujettis en pareil cas; Et si la réparation du Vais-

within the extent of their Jurisdiction, by Sea or by land; and shall use all their efforts to recover, and cause to be restored to their right owners, their Vessels and effects which shall be taken from them within the extent of their said jurisdiction.

ARTICLE 8. The Vessels of the subjects or Citizens of either party, coming on any Coast belonging to ² the other, but not willing to enter into port, or being entered into port, and not willing to unload their Cargoes or break bulk, shall have liberty to depart and to pursue their Voyage without molestation and without being obliged to render account of their Cargo, or to pay any duties, charges or fees whatsoever, except those established for Vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of Navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of Subjects or Citizens of the Country where they are established.

ARTICLE 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the Coasts, or within the dominion of the other, their respective Subjects or Citizens, shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the Inhabitants of the Country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or

¹ At this point Roger Alden resumes the copying.

² At this point Benjamin Bankson takes up the copying.

seau exigeoit que la Cargaison fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge ou droit, de ce qui sera rembarqué et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des Sujets ou Citoyens des deux parties contractantes.

ARTICLE 10. Les citoyens ou sujets de l'une des deux parties contractantes, auront dans les États de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant Sujets ou Citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un Testament, ou ab intestat, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux aux-queles les habitants du pays où la succession est devenue vacante, sont assujettis en pareille occurrence. Et en cas d'absence des Héritiers, on prendra aussi longtemps, des biens qui leur sont échus, les mêmes soins qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agréé des arrangements pour recueillir l'héritage. S'il s'éleve des Contestations entre différens pretendans ayant droit à la succession, elles seront décidées en dernier ressort selon les loix et par les juges du pays où la Succession est Vacante. Et si par la mort de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient à passer, selon les loix du pays, à un Citoyen ou Sujet de l'autre partie, si celui-ci, par sa qualité d'étranger il est inhabile de les posséder, obtiendra un delai convenable pour les

any part of their Cargo be unladed, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The Ancient and barbarous right to wrecks of the Sea shall be entirely abolished, with respect to the Subjects or Citizens of the two contracting parties.

ARTICLE 10. The Citizens or Subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being Subjects or Citizens of the other party, shall succeed to their said personal goods,¹ whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the Inhabitants of the country wherein the said goods are, shall be subject to pay in like cases; and in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and Judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a Citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective States. But

¹ At this point Roger Alden takes up the copying.

vendre et pour en retirer le provenu, sans obstacle, exempt de tout droit de retenue, de la part du gouvernement des états respectifs. Mais cet Article ne dérogera en aucune manière à la force des Lois qui ont déjà été publiées ou qui-le seront dans la suite, par Sa Majesté le Roi de Prusse, pour prévenir l'émigration de ses Sujets.

ARTICLE 11. Il sera accordé la plus parfaite Liberté de conscience et de culte aux Citoyens et Sujets de chaque partie contractante dans le Etats de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des Sujets et Citoyens de l'une des parties Contractantes venoient à mourir dans la juridiction de l'autre, leurs Corps seront enterrés dans les endroits où l'on a coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protégés contre toute Violence et trouble.

ARTICLE 12. Si l'une des parties contractantes étoit en guerre avec une autre Puissance, la libre correspondance et le Commerce des Citoyens ou Sujets de la partie qui demeure neutre envers les puissances belligérantes, ne seront point interrompus. Au contraire, et dans ce cas, comme en pleine paix, les Vaisseaux de la partie neutre, pourront naviguer en toute Sûreté dans les ports et sur les Côtes des Puissances belligérantes, les Vaisseaux libres rendant les marchandises libres, en tant qu'on regardera comme libre tout ce que sera à bord d'un navire appartenante à la partie Neutre, quand même ces effets appartiendroient à l'ennemi de l'autre. La même liberté S'étendra aux Personnes qui se trouveront à bord d'un Vaisseau libre, quand mêmes elles seroient ennemis de l'autre partie, excepté que ce fussent des gens de guerre, actuellement au service de l'ennemi.

this Article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by his Majesty the King of Prussia, to prevent the emigration of his Subjects.

ARTICLE 11. The most perfect freedom of conscience and of worship, is granted to the citizens or Subjects of either party, within the Jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover when the Subjects or Citizens of the one party, shall die within the Jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the Subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

ARTICLE 13. Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre Puissance, il a été convenu que pour prévenir les difficultés et les discussions qui surviennent ordinairement par rapport aux Marchandises, ci-devant appellées de contrebande, telles que armes, munitions, et autres provisions de guerre de toute espèce, aucun de ces Articles, chargés à bord des Vaisseaux des Citoyens ou Sujets de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé de contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de Vaisseaux et effets et de les retenir pendant tout le temps que le preneur croira nécessaire pour prévenir les inconviens et le dommage qui pourroit en résulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes qui auront été occasionnées par la Saisie. Et il sera permis en outre aux Preneurs d'employer a leur service, en tout, ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer Sur le prix qui aura cours à l'endroit de leur destination; mais que dans le cas énoncé, d'un Vaisseau arrêté pour des Articles ci-devant appelés contreband, si le maître du navire consentoit à delivrer les marchandises suspectes, il aura liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtemps, mais aura toute liberté de poursuivre sa route.

ARTICLE 14. Dans le cas où l'une des deux parties contractantes se trouveroit engagée dans une guerre avec une autre Puissance, et afin que les Vaisseaux de la partie neutre soient promptement et sûrement reconnus, on est convenu qu'ils devront être munis de

ARTICLE 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to Individuals. Nevertheless it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for Articles heretofore deemed contraband, if the Master of the Vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port nor further detained, but shall be allowed to proceed on her voyage.

ARTICLE 14. And in the same case where one of the parties is engaged in war with another power, that the Vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea letters, or passports, which shall express the

Lettres de mer ou passeports, expriment le nom, le propriétaire, et le port du navire, ainsi que le nom et la demeure du Maître. Ces passeports, qui seront expédiés en bonne et due forme (à déterminer par des conventions entre les parties, lorsque l'occasion le requerra) devront être renouvelés toutes les fois que le Vaisseau retournera dans son port, et seront exhibés à chaque requisition tant en pleine mer que dans le port. Mais si le navire se trouve sous le convoi d'un ou plusieurs Vaisseaux de guerre appartenants à la partie neutre, il suffira que l'officier commandant du convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

ARTICLE 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires, de la partie neutre, navigans sans convoi, rencontreront quelque Vaisseau de guerre public ou particulier de l'autre partie, le Vaisseau de guerre n'approchera le navire neutre qu'au delà de la portée du Canon, et n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, pour examiner les Lettres de mer ou passeports. Et toutes les personnes appartenantes quelque Vaisseau de guerre public ou particulier, qui molesteront ou insultent en quelque manière que ce soit l'équipage, les Vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts; pour lesquels il sera donné caution suffisante par tous les commandans de Vaisseaux armés en course, avant qu'ils reçoivent leurs Commissions.

ARTICLE 16. Il a été convenu que les Sujets ou Citoyens de l'une des parties contractantes, leurs Vaisseaux ni effets,

name, the property and burthen of the vessel, as also the name and dwelling of the Master, which passports shall be made out in good and due forms (to be settled by conventions between the parties whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE 16. It is agreed that the Subjects or citizens of each of the contracting parties, their vessels and ef-

ne pourront être assujettis à aucun embargo, ni retenus de la part de l'autre pour quelque expédition militaire, usage public ou particulier de qui que ce soit. Et dans les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque Citoyen ou Sujet de l'une des parties contractantes dans la juridiction de l'autre, on procédera uniquement par ordre et autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ARTICLE 17. S'il arrivoit que les Bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront conduits dans un port de l'une des deux parties contractantes et remis à la garde des Officiers du port, afin d'être restitués en entier au propriétaire légitime, des qu'il aura dûment constaté son droit de propriété.

ARTICLE 18. Lorsque les Citoyens ou Sujets de l'une des deux parties Contractantes seront forcés par des tempestes, par la poursuite des Corsaires ou Vaisseaux ennemis, ou par quelqu'autre accident, à se réfugier avec leurs Vaisseaux ou effets dans les havres, ou dans la juridiction de l'autre, ils seront reçus, protégés et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de refranchissemens, de provisions et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la réparation de leurs Vaisseaux.

ARTICLE 19. Les Vaisseaux de Guerre publics et particuliers des deux parties contractantes, pourront conduire en toute Liberté, par tout où il leur plaira, les Vaisseaux et effets qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucuns impôts, charges ou droits aux Officiers de l'Amirauté, des

facts, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the Jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ARTICLE 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ARTICLE 18. If the Citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

ARTICLE 19. The Vessels of war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs or any others, nor shall such

douanes ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par le Vaisseau preneur aux endroits portés par les Commissions, dont l'Officier commandant le dit vaisseau sera obligé de faire montre. Mais tout Vaisseau qui aura fait des prises sur les Sujets de S. M. T. C. la Roi de France, ne sauroit obtenir un droit d'asile dans les ports ou havres des Etats Unis; et s'il étoit forcé d'y entrer par des tempêtes ou dangers de mer, il sera obligé d'en repartir le plutôt possible, conformément à la teneur des traités subsistants entre S. M. T. C. et les Etats Unis.

ARTICLE 20. Aucun Citoyen ou Sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni Commission, ni Lettre de Marque, pour armer en course contre cette dernière sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux Etats ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

ARTICLE 21. S'il arrivoit que les deux parties contractantes fussent en même temps en guerre contre un ennemi commun, on observera de part et d'autre les points suivants:

1. Si les Bâtimens de l'une des deux Nations repris par les Armateurs de l'autre, n'ont pas été au pouvoir de l'ennemi au de là de 24 heures, ils seront restitués au premier propriétaire moyennant le paiement du tiers de la valeur du Bâtiment et de la Cargaison: si au contraire le Vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartiendra en entier à

prizes be arrested, searched or put under legal process when they come to, and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessels shall be obliged to show. But no vessel which shall have made prizes on the subjects of his Most Christian Majesty the King of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

ARTICLE 20. No Citizen or Subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of Marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ARTICLE 21. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

1st. If a Vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty four hours in possession of the enemy, she shall belong wholly to the recaptor. 2d. If in the

celui qui l'a repris. 2. Dans le cas qu'un navire est repris par un Vaisseau de Guerre de l'une des Puissances contractantes, il sera rendu au propriétaire, moyennant qu'il paye un trentième du navire et de la Cargaison, Si le Bâtiment n'a pas été plus de vingt-quatre heures au pouvoir de l'ennemi, et le dixième de cette valeur, Si'l y a été plus long-temps, lesquelles sommes seront distribuées en guise de gratification a ceux qui l'auront repris. 3. Dans ces cas la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient a celui qui a repris le navire. 4. Les Vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leurs prises dans les ports respectifs; cependant ces prises ne pourront y être déchargées ni vendues, qu'après que la légitimité de la prise aura été décidée suivant les loix et réglemens de l'Etat dont le preneur est sujet, mais par la Justice du lieu où la prise aura été conduite. 5. Il sera libre à chacune des parties contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs Vaisseaux de guerre publics et particuliers, à l'égard des Bâtimens qu'ils auront pris et amenés dans les ports des deux Puissances.

ARTICLE 22. Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les Vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui sont avec eux la même route, et ils les défendront, aussi long-temps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et défendroient les navires de leur propre Nation.

same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in the possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each: but the said prizes shall not be discharged nor sold there, until their legality shall have been decided according to the laws and regulations of the states to which the captor belongs, but by the Judicatures of the place into which the prize shall have been conducted. 5th. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

ARTICLE 22. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE 23. S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux Etats qui résideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de Lettres de toutes les facultés, les Cultivateurs, Artisans, Manufacturiers et Pêcheurs, qui ne sont point armés et qui habitent des Villes, Villages ou places qui ne sont pas fortifiées, et en général tous ceux dont la vocation tend à la subsistance et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leurs personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement détruits, ni leurs Champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les événemens de la guerre; mais Si l'on se trouve dans la nécessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable. Tous les Vaisseaux Marchands et Commerçans, employés à l'échange des productions de différens endroits, et par consequent destinés à faciliter et repandre les nécessités, les commodités et les douceurs de la vie, passeront librement et sans être molestés. Et les deux Puissances contractantes s'engagent à n'accorder aucune Commission à des Vaisseaux Armés en course, qui les autorisât à prendre ou à détruire ces sortes de Vaisseaux Marchands, ou à interrompre le Commerce.

ARTICLE 24. Afin d'adoucir le sort des prisonniers de guerre, et ne les point exposer à être envoyés dans des climats

ARTICLE 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen unarmed and inhabiting unfortified towns, villages or places, and in general all others whose occupations are for the common subsistence¹ and benefit of Mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested, and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce.

ARTICLE 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement

¹ At this point Charles Thomson takes up the copying.

éloignés et rigoureux, ou reserrés dans des habitations étroites et malsaines, les deux parties Contractantes s'engagent solennellement l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront aucun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amérique, dans les territoires respectifs des parties contractantes, un Séjour situé dans un air sain; qu'ils ne seront point confinés dans des cachots, ni dans des prisons, ni dans des Vaisseaux de prison; qu'ils ne seront pas mis aux fers, ni garrottés, ni autrement privés de l'usage de leurs Membres; que les Officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples Soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de la quelle se trouvent les prisonniers. Que cette puissance fera pouvoir journellement les Officiers d'autant de rations, composées des memes articles et de la meme qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au Soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter reciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes ne seront point confondus ou balancés avec d'autres comptes, ni

countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in Cantonments, open and extensive enough for air and exercise, and lodged in barracks, as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; And the said accounts shall not be mingled with, or set off against any others, nor the balance due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of

la Solde qui en est due, retenue comme compensation ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis à chacune des deux puissances d'entretenir un Commissaire de leur choix; dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre; ces Commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le désireront; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir. Enfin il leur sera libre encore de faire leurs rapports par lettres ouvertes, à ceux qui les emploient; mais si un Officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites qui auront été fixées à son Cantonnement, un tel Officier ou un autre prisonnier sera frustré individuellement des avantages stipulés dans cet article, pour sa relaxation sur parole d'honneur ou pour son cantonnement. Les deux puissances contractantes ont déclaré en outre, que, ni le prétexte que la guerre rompt les traités, ni tel autre motif quelconque, ne seront censés annuler ou suspendre cet article et le précédent; mais qu'au contraire le temps de la guerre est précisément celui pour lequel ils ont été stipulés et durant lequel ils seront observés aussi saintement que les articles les plus universellement reconnus par le droit de la nature et des Gens.

ARTICLE 25. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des Consuls, Vice-Consuls, Agens et Commissaires de leur choix et dont les fonctions seront déterminées par un arrangement particulier, lorsque l'une des deux puissances aura nommé à ces postes. Mais dans le cas que tel, ou autre de ces Consuls, veuille faire le

prisoners in possession of the other, which Commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

ARTICLE 25. The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall choose to make such appointment; but if any such Consuls shall exercise commerce, they shall be

Commerce, il sera soumis aux mêmes loix et usages, auxquels sont soumis les particuliers de sa nation à l'endroit où il réside.

ARTICLE 26. Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de Navigation ou de Commerce à d'autres Nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci jouira de cette faveur, gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionnelle.

ARTICLE 27. Sa Majesté le Roi de Prusse et les Etats Unis de l'Amérique sont convenus que le présent traité aura son plein effet pendant l'espace de dix ans à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre entre eux, les Articles ci-dessus stipulés pour régler leur conduite en temps de guerre, conserveront toute leur force, jusqu'à la conclusion du traité qui retablira la paix. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées, dans l'espace d'une année, à compter du jour de la signature.

En foi de quoi, les plénipotentiaires sus nommés ont signé le présent traité et y ont apposé le Cachet de leurs Armes, aux lieux de leur domicile respectif, ainsi qu'il sera exprimé ci-dessus.

submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

ARTICLE 26. If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately be common to the other party, freely, where it is freely granted, to such other nation, or on yielding the compensation where such nation does the same.

ARTICLE 27. His Majesty the King of Prussia and the United States of America, agree that this treaty shall be in force during the term of 10 years from the exchange of ratifications, and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

In testimony whereof, the plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the places of their respective residence, and at the dates expressed under their several Signatures.

F. G. DE THULEMEIER, a la Haye le 10 September, 1785.
(L. S.)

(L. S.)

(L. S.)

(L. S.)

TH. JEFFERSON

B. FRANKLIN

JOHN ADAMS

Paris, July 28, 1785

Passy, July 9th, 1785

London, August 5, 1785.

¹ NOW KNOW YE, That we the said United States in Congress assembled, having considered and approved, do hereby ratify and

¹ Thomson here resumes the entries in the Journal.

confirm the said treaty, and every article and clause therein contained. In testimony whereof, we have caused our Seal to be hereunto affixed. Witness the honorable Nathaniel Gorham, our chairman, in the absence of his Excellency John Hancock, our president, this seventeenth day of May, in the year of our Lord one thousand seven hundred and eighty six, and of our Independence and Sovereignty the tenth.¹

On the question to agree to this ratification, the yeas and nays being required by Mr. [Rufus] King,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Long,	ay }	*	Mr. Patten,	ay }	ay
<i>Massachusetts,</i>			Rodney,	ay }	ay
Mr. Gorham,	ay }		<i>Maryland,</i>		
King,	ay }	ay	Mr. Hindman,	ay }	ay
Dane,	ay }		Harrison,	ay }	ay
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	ay }	*	Mr. Grayson,	ay }	ay
<i>Connecticut,</i>			Monroe,	ay }	ay
Mr. Johnson,	ay }		<i>North Carolina,</i>		
Mitchell,	ay }	ay	Mr. Blount,	ay }	
<i>New York,</i>			Bloodworth,	ay }	ay
Mr. Haring,	ay }		White,	ay }	
Smith,	ay }	ay	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Pinckney,	ay }	*
Mr. Symmes,	ay }		<i>Georgia,</i>		
Hornblower,	ay }	ay	Mr. Few,	ay }	*
<i>Pennsylvania,</i>					
Mr. Pettit,	ay }				
Bayard,	ay }				
St. Clair,	ay }	ay			
Wilson,	ay }				

So it was unanimously resolved in the affirmative.

Resolved That Congress are not authorised by their Constitution to suspend or check the Operation of any laws of any of the States in cases where the same are consistant

¹ The text of the treaty and this ratification are also entered in Secret Journal, Foreign, No. 5, by Benjamin Bankson, in both languages.

with the confederation and with treaties made under it. That therefore Congress however desirous to attend to the wishes of their High Mightinesses cannot interpose to prevent the seizures in question in any of the States whose laws authorise the same.¹

The Committee consisting of [Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom were refer'd the treaties with the western and southern Indians and the dispatches accompanying them beg leave to report in part:

Whereas the objects of the commissions which the U. S. in Congress assembled issued on [the seventeenth day of May and on the twenty second day of September in the y^r of our Lord 1785] are [in part] accomplish'd the treaties of peace concluded with the Six Nations at fort Stanwix Schuyler on [22 Oct. 1784 With the Wyandot, Delaware, Chippawa and Ottawa Indians at fort McIntosh on the 21 Jan^y 1785- With the Shawanese at the Mouth of the Great Miami 31 Jan^y 1786] and with the Cherokees at [Hopewell on the Keowee on the 28 Nov^r 1785] with Choctaws at [Hopewell on the Keowee on 3 Jan^y 1786] and with the Chickasaws at [Hopewell on the Keowee on the 10th Jan^y 1786] and

Whereas it is unnecessary to continue the commissions longer in force, granted for the purpose of treating with the Indians in Northern Middle and Southern departments as the future connection and intercourse with the several Indian nations may, at a less expence, be maintain'd by a proper organization of the Indian department therefore,

resolved, That the several commissions of the 17th May and 22 Sept., 1785 (granted for the purpose of treating with the Indians in

¹ Thomson has entered under this day practically the entire report of the Secretary for Foreign Affairs, on this matter, which was read in Congress March 1, 1786, and is there printed.

the Northern, Middle and Southern Departments) be and they are hereby revoked.¹

OFFICE FOR FOREIGN AFFAIRS,
16th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred the Representation made by the Spanish Encargado de Negocios of the Case of Captain Pedro Ermano and the crew of the spanish Sloop "the *Virgin of Carmen* (otherwise called the *King of Prussia*"), Reports:

That as the Facts stated in this Paper impeach the Justice of South Carolina, he thinks the first Step proper for Congress to take would be to send a Copy of it to the Governor of that State, and to desire him to enquire and inform Congress whether or how far they are well founded.

Your Secretary is also of Opinion that M^r Gardoqui should be acquainted with this, and assured that on the Arrival of the Governor's Answer, such further Measures shall be immediately taken as Circumstances may point out, and Justice require.

All which is submitted to the Wisdom of Congress.

JOHN JAY.²

THURSDAY, MAY 18, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long, and from Rhode Island, Mr. [James] Manning.

¹ This report, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 30, folio 297. According to indorsement it was read May 17 and on June 1 "Postponed till Tuesday next passed July 12, 1786." The words in brackets were inserted by Charles Thomson and those in parenthesis were written at the botton of the report by Rufus King and also by Charles Thomson in the report itself and afterwards crossed out.

Also, according to indorsement, was read a letter from the Secretary for Foreign Affairs forwarding two letters from John Adams, dated November 24, 1785, and a letter from Lafayette dated February 11, 1786. Jay's letter is in No. 80, II, folio 341.

² This report is in the *Papers of the Continental Congress*, No. 81, II, folio 111. According to indorsement it was read May 17. See *post*, May 19.

On motion, and at the request of the States of South Carolina and Georgia,

Resolved, That further day be given, and that the first Monday in September next be assigned for the appearance of the said States by their lawful Agents.¹

OFFICE OF SECRETARY OF CONGRESS,

May 18, 1786.

On the Memorial of Francis Cazeau representing the steps taken for the settlement of his accounts and claims and the obstructions it has met with and praying that a com^{ee} may be appointed to reexamine his Accounts and that on their report a final decision may take place.

The Secretary of Congress reports That on the 18 March, 1784, Congress passed sundry resolutions to facilitate the settlement of Mr. Cazeau's claims, the last of which directed "That in settling the Accounts of Mr. Cazeau his own testimony under oath be admitted in support of such other evidence as the circumstances of the case will admit."

That on the 13 April, 1784, the Superintendant of finance wrote Congress on the subject of those resolutions and transmitted the Observations and remarks of the Auditor and comptroller on the claims of Mr. Cazeau.

That this letter with the Observations and remarks were referred to a com^{ee} of Congress on the 20 April, 1784.

That on the 5 May, 1784, The Com^{ee} reported that in their Opinion the resolutions passed the 18 March ought to be repealed and Mr. Cazeau referred to the treasury for the settlement of his Accounts in the usual way.

That Congress soon after adjourned and no act was passed in Consequence of this report.

That on the 7 June, 1785, Congress resolved That the Com^r for settling the Acct^s of the state of N. York with the United States be authorised and directed to examine the Accounts of such Canadian

¹ On this day, according to indorsement, was read a letter from Benjamin Walker, dated May 16, accepting the appointment of Commissioner for settling the Accounts of the Hospital, Marine and Clothiers Departments. It is in No. XXIV, folio 583.

Also, the report of May 10 on temporary government of the Western Territory, was assigned to July 13.

refugees as had furnished the late armies of these states with any sort of supplies and report thereon to Congress.

That hereupon M^r Cazeau applied to the Commissioner and by the report of the board of treasury to whom the report of the Com^r was referred it appears that the claims of F. Cazeau were not supported by any other evidence than his own deposition and that in the opinion of the board stronger proof was necessary to establish his claim.

Upon which report Congress on the 2 feby, 1786, Repealed the several resolves of the 18 March, 1784, relative to the claims of Francis Cazeau (excepting the first third and fourth) and the resolves of the 7 of June, 1785.

As therefore by the Act of 27 feby, 1783, All those for the settlement of whose accounts no special provision is made either by reference to the states or by the appointment of Commissioners for States or departments or otherwise are to settle their Accounts at the treasury in the usual manner.

The Secretary of Congress reports That the Memorial of F. Cazeau be referred to the board of treasury to take order for the settlement of his Account in the usual manner.¹
passed May 19.

On the letter of 16 May from R. Butler covering a speech delivered to him by Capt. Obeel and informing that the present for the Indians to the Amount of 403 dollars has been delivered and that they are ready to return home but that no provision has been made for the payment of their expences or the pay of the interpreters, the Secretary of Congress reports:

That the letter of the 16 May from R. Butler with the speech delivered to him by the Indians be referred to a Com^{ee} ¹
passed May 19

FRIDAY, MAY 19, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from South Carolina, Mr. [Charles] Pinckney.

¹ This proceeding is entered by Thomson in *Reports of the Secretary of Congress*, No. 180.

Congress took into consideration the report of a committee, consisting of Mr. [Arthur] St. Clair, Mr. [Henry] Lee and Mr. [John] Lawrance, to whom was referred a report of the Secretary at War, on the articles of War and courts Martial; and the following paragraph being under debate:

That all persons belonging to the forces of the United States, called to give evidence in any cause before a court martial, who shall refuse to give evidence, shall be punished for such refusal at the discretion of such court martial.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [John Bubenheim] Bayard, to strike out the words "belonging to the forces of the United States" And on the question, shall those words stand? the yeas and nays being required by Mr. [Rufus] King,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Long,	ay *		Mr. Bayard,	no
<i>Massachusetts,</i>			Wilson,	no } no
Mr. Gorham,	ay	} ay	St. Clair,	no
King,	ay		<i>Delaware,</i>	
Dane,	ay		Mr. Patten,	no
<i>Rhode Island,</i>			Rodney,	no } no
Mr. Manning,	ay *		<i>Maryland,</i>	
<i>Connecticut,</i>			Mr. Hindman,	no
Mr. Johnson,	no	} div.	Harrison,	no } no
Mitchell,	ay		<i>Virginia,</i>	
<i>New York,</i>			Mr. Grayson,	no *
Mr. Haring,	ay	} ay	<i>North Carolina,</i>	
Smith,	ay		Mr. Bloodworth,	ay
<i>New Jersey,</i>			White,	ay } ay
Mr. Symmes,	ay	} ay	<i>South Carolina,</i>	
Hornblower,	ay		Mr. Pinckney,	no *
			<i>Georgia,</i>	
			Mr. Few,	ay *

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

The Committee consisting of Mr. [Pierce] Long, Mr. [William] Blount and Mr. [Timothy] Bloodworth to whom was refer'd the report of the paymaster of army acc^{ts} on the Memorial of Mr. John

Wheelock submit the following facts: That he was appointed a Lieut. Col^o in Col^o Beedles regiment on the 15 November, 1777, as appears by a Certificate from the Secretary at War and was disbanded with said regiment on the 27th November, 1778. That he was directed by General Gates on the 27th April, 1779, to proceed to Congress on public business, and has produced depositions and other evidence which to your committee are satisfactory, that he was, by the order of General Gates, continued in service from the time the Regiment was disbanded until the 20th June, 1779, and ought to receive pay therefore; but as he was intitled to receive the usual rations and forage which were generally supposed to be granted in lieu of expences, his claims for Expences cannot be allowed

The Committee therefore Submit the following Resolution:

That John Wheelock late a Lieut. Col^o in Col^o Beedles Regiment be allowed the pay and Emoluments of Lieut^o Col^o from the 15 November, 1777, until the 20th June, 1779, and that the paymaster of army Accounts take order accordingly.¹

The Committee consisting of Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson and Mr. [William] Hindman to whom were referred several memorials and petitions from persons claiming vessels in the courts of Admiralty in some of the states praying for hearings and rehearings before the court of appeals, Report:

That it appears reasonable and proper that rehearings or new trials should be granted in every case where justice may require it [under the limitations herein after mentioned.

That the Judges of the Court of appeals be authorised and directed in every cause which may be brought before them to grant rehearings or new trials of the same wherever justice and right may in their opinion require it; provided that such rehearing shall not be extended to cases which Originated previous to the day of ; provided also that an order for a rehearing or new trial shall in no instance suspend the execution of the first sentence, if the party in whose favor it may be shall give satisfactory security for the payment of such costs and damages as the Court on rehearing the cause and reversing the degree may think proper to award; and that the

¹ This report, in the writing of Pierse Long, is in the *Papers of the Continental Congress*, No. 19, VI, folio 537. According to indorsement it was read May 19 and May 29 "The Memorial and papers on which these reports are founded were withdrawn and delivered to Mr. Long." See *ante*, December 14, 1781.

said Judges be entitled to dollars per day during the time they shall attend the sitting of the said Courts, and including the time they shall be necessarily employed in travelling to and from the said Courts.

Resolved, That the said Court assemble at the City of New York on the day of next for the dispatch of such business as may then and there be before them.]¹

The Board of Treasury to whom was Referred the Memorial of Thomas Chase, late Deputy Quarter Master General in the State of Massachusetts, Praying that his Accounts may be Adjusted by the Commissioner of Accounts for the State of Massachusetts, Beg leave to Report:

That a Compliance with the request of the Memorialist would Establish a Precedent, Subversive of the System adopted by Congress, for adjusting the Account, of the Staff Departments of the late Army.

They therefore Submit to the Consideration of Congress the following Resolve—

That the Memorial of Thomas Chase, late Deputy Quarter Master General for the State of Massachusetts, praying that his Accounts may be Adjusted by the Commissioner of Accounts for that State, cannot be complied with; but that the Memorialist be referred for the Settlement of his Accounts with the United States, to the Commissioner for such purpose Appointed by the Resolve of Congress of the 8th Instant.

All which is submitted.²

May 17th, 1786.

The Board of Treasury to whom was Referred the Memorial of Rachel Hart of the 24th April last, Beg leave to Report:

¹ This report, in the writing of Charles Pinckney, except the portion in brackets which is in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 28, folio 215. According to indorsement it was read May 19 and "25 May, 1786, Monday 29 May assigned for Consideration, passed June 27, 1786." The complete report, as submitted May 19, was only that part in Pinckney's writing; the part in a clerk's writing seems to have been the developments of the proceedings of either May 25 or May 29. A printed copy, bearing ms. alterations by Rufus King, is in No. 28, folio 201.

² This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 215. According to indorsement it was read May 19; Committee Book No. 189 states that it was transferred.

That the Memorialist in consequence of Embarrassments occasioned by the Death of her late Husband (who attended the British Prisoners during the late War, in the capacity of a Surgeon, in the State of Maryland) solicits the payment of a Certificate granted to her deceased Husband, for the Services abovementioned.

On this Application the Board beg leave to observe that, as the United States in Congress have called upon the several States to make provision for the Payment of the Interest due on the National Debt, without any prospect of obtaining Funds in any degree adequate to this purpose, it would be improper to attempt the payment of the Principal of any Liquidated Claims, under any Circumstances whatsoever.

They therefore Submit to the Consideration of Congress the following Resolve:

That the Memorial of Rachel Hart praying Payment of a Certificate issued to her late Husband on account of Services is Inadmissible.

All which is humbly submitted.¹

May 18th, 1786.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 589. According to indorsement it was read May 19; Committee Book No. 189 states that it was transferred.

MAY 19: The following committee was appointed: Mr. [Stephen Mix] Mitchell, Mr. [John] Kean and Mr. [Rufus] King, on a "Letter of May 16th. Gen^l Butler with a speech from Cap^t O'Beal." A report was rendered May 22. Butler's letter, with O'Beal's speech is in No. 56, folios 391-397.

Also "the Memorial of Francis Cazeau, for the settlement of his accounts; in the usual manner" was referred to the Board of Treasury to take order. According to an indorsement in No. 41, II, folio 293, on May 27 the Secretary for Foreign Affairs was ordered to "transmit copies of the papers to M^r Jefferson—order taken & papers returned to the Board of treasury June 9th, 1788." This proceeding was also entered in *Resolve Book* No. 123.

Also, the report of the Secretary for Foreign Affairs "on Mr. Pintard's letters of 5 & 12 Dec^r, 1785. To inform Mr. P. that his letters have been laid before Congress and that they are much pleased with his vigilance and exertions in the instances mentioned in them," was referred back to the Secretary for Foreign Affairs to take order. This proceeding was also entered in *Resolve Book* No. 123. Jay's report is in No. 81, II, folio 115.

Also, the report of the Secretary for Foreign Affairs, "on the representation of the Spanish Encargado de Negocios of the case of Cap^t Pedro Ermano. To send a copy of the Representation to the Gov^r of South Carolina and desire him to enquire and inform Congress whether or how far the facts stated therein are founded. To inform M^r Gardoqui of this and assure him that on the arrival

MONDAY, MAY 22, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from New Jersey, Mr. [Josiah] Hornblower.

A letter, of the 16th, from Caleb Harris, was read, informing, that "an infirm state of health, and a multiplicity of business, render it necessary for him to resign the appointment of Surveyor of the Western territory for the State of Rhode Island.¹ Whereupon,

Resolved, That the resignation of Caleb Harris be accepted, and that this day be assigned for the election of a Surveyor for the State of Rhode Island, in the room of Caleb Harris, resigned.

Congress proceeded to an election, and, the ballots being taken, Ebenezer Sproat was elected, having been previously nominated by Mr. [James] Manning.

A motion was made by Mr. [William] Houstoun, seconded by Mr. [Arthur] St. Clair,

That Wednesday next be appointed for the reconsideration of the Ordinance passed the 20 May, 1785, and the resolve of the 9th of the present month, for carrying the same into effect.²

of the Governor's answer such further measures shall be immediately taken as circumstances may point out and justice require," was referred back to the Secretary to take order. The proceeding is also entered in *Resolve Book* No. 123. Jay's report is in No. 81, II, folio 111.

Committee Book No. 190.

¹ Harris's letter is in No. 56, folio 177.

² This motion, in the writing of William Houstoun, is in the *Papers of the Continental Congress*, No. 36, III, folio 255.

And on the question to agree to this motion, the yeas and nays being required by Mr. [William] Houstoun,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Long,	no}	*	Mr. Hindman,	no}	no
<i>Massachusetts,</i>			Harrison,	no}	no
Mr. Gorham,	no}		<i>Virginia,</i>		
King,	no}	no	Mr. Grayson,	ay}	ay
Dane,	no}		Monroe,	ay}	ay
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Johnson,	no}		Mr. Blount,	ay}	
Mitchell,	no}	no	Bloodworth,	ay}	ay
<i>New York,</i>			White,	ay}	
Mr. Haring,	no}		<i>South Carolina,</i>		
Smith,	no}	no	Mr. Pinckney,	ay}	div.
<i>New Jersey,</i>			Kean,	no}	div.
Mr. Hornblower,	no}	*	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Houstoun,	ay}	ay
Mr. Pettit,	ay}		Few,	ay}	ay
St. Clair,	ay}	ay			
Wilson,	ay}				

So the question was lost.

Congress resumed the Consideration of the report of the Committee, consisting of Mr. [William Samuel] Johnson, Mr. [William] Hindman, Mr. [William] Grayson, Mr. [David] Ramsay, and Mr. [Samuel] Livermore, to whom was referred a motion of the delegates of the State of Connecticut, relative to a cession of part of that State's claim to Western territory; and which report is in the words following:

“That Congress, in behalf of the United States, are ready to accept all the right, title, interest and claim of the State of Connecticut, to certain western lands described in the form of a deed of cession, in the following words, to wit: (Here insert the deed,) tendered to Congress by the delegates of the said State, in pursuance of full

powers given them for that purpose, whenever the said delegates shall execute the said deed."¹

A motion was made by Mr. [Arthur] St. Clair, seconded by Mr. [James] Wilson, to add thereto as follows:

Provided that nothing herein contained shall be construed or understood to affect the decree of the Court of Commissioners, holden at Trenton, on the 12 day of November, A. D. 1782.²

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [Arthur] St. Clair,

<i>Massachusetts,</i>			<i>Maryland,</i>			
Mr. Gorham,	ay	}	Mr. Hindman,	no	}	
King,	no		Harrison,	no		
Dane,	no					
<i>Rhode Island,</i>			<i>Virginia,</i>			
Mr. Manning,	no	*	Mr. Grayson,	no	}	
			Monroe,	no		
<i>Connecticut,</i>			<i>North Carolina,</i>			
Mr. Johnson,	ay	}	Mr. Blount,	no	}	
Mitchell,	ay			Bloodworth,		no
<i>New York,</i>			White,	no		
Mr. Haring,	no	}	<i>South Carolina,</i>			
Smith,	no			Mr. Pinckney,	no	}
<i>New Jersey,</i>			Kean,	no		
Mr. Hornblower,	no	*	<i>Georgia,</i>			
<i>Pennsylvania,</i>			Mr. Houstoun,	no	}	
Mr. Pettit,	ay	}	Few,	no		
Bayard,	ay					
St. Clair,	ay					
Wilson,	ay					

So it passed in the negative.

¹ On folio 527, No. 30, is a motion in the writing of Rufus King as follows: "Resolved that cong. in behalf of the U. S. are ready to accept all the right, title, interest, & Claim, as well to soil as Jurisdiction of the State of Connecticut, to certain lands described in the following form of a Deed of cession viz: [here insert a Deed including an act with the preamble proposed with the addition of a power to grant the Jurisdiction]:

Whenever the Delegates of the state of Connecticut [duly authorized by the s^d State] shall tender the same duly executed." The words in brackets are in an unidentified hand. The motion is undated and presumably was offered either May 11, May 15, or May 22.

² This motion, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 30, folio 547½.

The Com^{tes} [consisting of Mr. Stephen Mix Mitchell, Mr. John Kean and Mr. Rufus King] to whom was referr'd the Speech of Cap^t O'Beel and the Letter from Gen^l Butler, Report:

That the Bill of Expences incurr^d for the Subsistance of Cap^t O'Beel and his Associates, and the Allowance to be made to the Interpreter be referr^d to the Board of Treasury to take order for adjustment and payment.

And that the Commissioners for holding Treaties with the Indians, be directed to assure Cap^t O'Beel that Congress are deliberating upon proper Measures to be taken to continue the Correspondence between the united States and the Indian Nations and that nothing shall be wanting on their part to cultivate Friendship and good Understanding with them.¹

WAR OFFICE, *May 22^d, 1786.*

SIR: I have the honor to transmit to Congress copies of two letters from Major Wylls enclosing a report of captain Hamtramck dated the 27th ultimo, also an extract of a letter of the 1st instant from captain Doughty who had repaired to Fort Pitt in order to examine the state of the artillery and the public stores at that place, and Fort McIntosh. This extract tends to confirm the opinion that the depredations on the Ohio, were perpetrated by Cherokees and other banditti who live on the head waters of the Scioto.

The conference proposed to be held at Niagara will be important, as Butler and Brandt who have been in England may have arrived in Canada by this time, and will undoubtedly be at the treaty. As the future conduct of the indians will probably be influenced by this treaty it would be good policy for the United States to have some sensible friendly indians properly instructed to observe and report the occurrences thereof. It might be the means to ascertain how far the supposed discontents of the indians may have originated or be fomented officially by the servants of the Crown of Great Britain.

¹ This report, in the writing of Stephen Mix Mitchell, is in the *Papers of the Continental Congress*, No. 30, folio 379. According to indorsement it was read May 22 and acted on May 24.

I shall accordingly direct lieutenant colonel Harmar to endeavor to send suitable agents to the treaty for the before recited purposes. I have the honor etc.

H. KNOX.¹

The honorable

NATHANIEL GORHAM, Esq^r.

Chairman of Congress.

TUESDAY, MAY 23, 1786.

Six states only attended, namely, Massachusetts, Connecticut, Pennsylvania, Maryland, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from New York, Mr. [Melancton] Smith; from New Jersey, Mr. [Josiah] Hornblower, and from South Carolina, Mr. [Charles] Pinckney; the chairman adjourned Congress till to Morrow at ten o'clock.

¹ This report is in the *Papers of the Continental Congress*, No. 150, I, folio 273. According to indorsement it was read May 22. The enclosures mentioned are on folios 277-301.

MAY 22: The "Mem^l of Marinus Willett, late Col. in line of N. York, that the difficulties may be removed which prevent the settlement of the acc^{ts} of said reg^t" was referred to the Commissioner of Army Accounts to report. He reported May 24, 1786. Willett's memorial is in No. 41, X, folio 689. According to indorsement it was read May 22 and acted on August 25.

The "Petition of Benj^a Pearse [Pierce?] late a gunner of the frigate alliance—for the payment of principal or Interest of certificates for services" was referred to the Board of Treasury to report. The Board reported May 24. The petition is in No. 42, VI, folio 375.

Committee Book No. 190.

On this day also, according to Committee Book No. 189, the report of the Board of Treasury on the memorial of A. Paulint and other Canadian Refugees was delivered. Against this notation Thomson has written: "See Act 30 June."

Also Committee Book No. 189 states that the Board of Treasury delivered in a report on the memorial of Moses Hazen and Udney Hay; against this Thomson made the same notation to act of June 30. The letter from the Board of Treasury, transmitting the report, is in No. 140, I, folio 183.

Also, according to indorsement, were read two letters of May 19, from the Secretary for Foreign Affairs, forwarding letters from Mr. Gardoqui, Count de Galvez, David Humphreys, John Adams, of February 9, and Thomas Jefferson of March 5. Jay's letters are in No. 80, II, folios 345-349.

Also was read a letter from Thomas Hutchins, informing that he would set out for the western country on Tuesday next. It is in No. 60, folio 241.

WEDNESDAY, MAY 24, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and New Jersey, Mr. [Josiah] Hornblower.

Congress resumed the consideration of the report of the committee, to whom was referred a motion of the delegates of the state of Connecticut, relative to a cession of part of that State's claim to western territory.

A motion was made by Mr. [James] Wilson, seconded by Mr. [Arthur] St. Clair, that the report be postponed, in Order to take up the following resolution:

That the United States cannot accept the cession of the claim of the State of Connecticut to western territory, tendered to Congress by the delegates of that State, because the acceptance of that cession, in its present form, might be construed to imply the approbation of Congress, of Claims not ceded, and it would be improper for Congress to express any Opinion, either directly or indirectly, on this subject. But since the great object of Congress, in recommending to the state of Connecticut, and to other states, to make cessions of their claims to western territory, has been to establish and secure the tranquillity of the United States, and of every state in the Union that might be affected by such claims or cessions; *Resolved*, in order to obtain that great object on the present occasion, that when the state of Connecticut shall cede and release to the United States, and to the States of New York and Pennsylvania, respectively, all the claim of the said State of Connecticut, to jurisdiction and property of territory westward of the Eastern boundary of the State of New York, the United States in Congress assembled, will thereupon grant, release and confirm to the State of Connecticut, the property, but not the jurisdiction of the territory and tract of land described as follows, that is to say, Beginning at the end of the first degree of North latitude, one hundred and twenty miles westward of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, thence North, to the end of the forty second degree of

North latitude, thence east to the aforementioned boundary line of Pennsylvania, thence South, to the end of the forty first degree of North latitude, thence West, to the place of beginning.¹

¹ The original motion, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 30, folio 545. On folio 529 is a motion, in Wilson's handwriting as follows: "Whereas the United States in Congress assembled, by their Resolution of the recommended . And whereas it is proper and reasonable that the said Recommendation should be complied with. And whereas a Part of the Territory formerly claimed by this State lies within the Bounds and Jurisdiction of the Commonwealth of Pennsylvania; and was, by the federal Court held at Trenton in the year 1782 for deciding a Controversy then subsisting between this State and that Commonwealth respecting that Part, decreed to be the Right of that Commonwealth; to which Decree it is the Duty of this State to pay full and exact Obedience:

Be it enacted—"

On the verso of this ms. are the following notes by Wilson:

"Connecticut not impeaching the Decree.

Pennsylvania jealous of its Validity.

2 Degrees.

West Boundary *claimed*.

Why is Congress requested to *accept* if the Acceptance has no Operation?

King: It cannot relate to Pen^a because the Object of the Cession is definite." A copy is on folio 535.

On folio 531 is the following, in the writing of James Monroe: "Provided also that nothing herein contain'd shall be construed to invalidate the rights which the U. S. have under ye acts of cession from the States of Virg^a Mass. and New York, to the lands lying between the Pen^a line and the s^d line westw^d of which the lands are hereby propos'd to be ceded."

On folio 533 is the following: "Whenever the s^d Delegates shall be furnished with full powers to execute and shall execute a deed for that purpose. Provided that the acceptance of the s^d cession shall in no degree be construed to affect the claims of any State or states to any territory which has or shall be ascertained by the decree of a federal Court to be within the territory or jurisdiction of any State or states."

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

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Long,	no	*	Mr. Hindman,	no	} no
<i>Massachusetts,</i>			Harrison,	no	
Mr. Gorham,	ay	} no	<i>Virginia,</i>		
King,	no		Mr. Grayson,	no	} no
Dane,	no		Monroe,	no	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Manning,	no	*	Mr. Blount,	no	} no
<i>Connecticut,</i>			Bloodworth,	no	
Mr. Johnson,	ay	} ay	White,	no	
Mitchell,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Pinckney,	ay	} ay
Mr. Haring,	no	} div.	Kean,	ay	
Smith,	ay		<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Houstoun,	no	} div.
Mr. Hornblower,	no	*	Few,	ay	
<i>Pennsylvania,</i>					
Mr. Pettit,	ay	} ay			
Bayard,	ay				
Wilson,	ay				
St. Clair,	ay				

So the question was lost.

A motion was then made by Mr. [Charles] Pettit, seconded by Mr. [Josiah] Hornblower, to postpone the report of the committee, in order to take into consideration the following:

That the acceptance by the United States of any cession heretofore made, or which shall hereafter be made, by any State, of the claims of such state to western territory, ought not, nor shall be construed nor understood as confirming, or in any wise strengthening the claim of such state to any such territory not ceded.¹

¹ The original motion, in the writing of Charles Pettit, is in the *Papers of the Continental Congress*, No. 30, folio 523.

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

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Long,	ay	}*	Mr. Hindman,	ay	}ay
<i>Massachusetts,</i>			Harrison,	ay	
Mr. Gorham,	no	}	<i>Virginia,</i>		
King,	no		Mr. Grayson,	no	}no
Dane,	no		Monroe,	no	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Manning,	ay	}*	Mr. Blount,	no	}no
<i>Connecticut,</i>			Bloodworth,	no	
Mr. Johnson,	no	}	White,	ay	
Mitchell,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Pinckney,	no	}no
Mr. Haring,	ay	}div.	Keen,	no	
Smith,	no		<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Houstoun,	no	}no
Mr. Hornblower,	ay	}*	Few,	no	
<i>Pennsylvania,</i>					
Mr. Pettit,	ay	}			
Bayard,	ay		}ay		
Wilson,	ay				
St. Clair,	ay				

So the question was lost.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [Arthur] St. Clair, to amend the report by adding,

Provided that the Acceptance of the said cession shall in no degree be construed to affect the claims of any state or states to any territory which has or shall be ascertained by the decree of a federal court, to be within the territory or jurisdiction of any State or States, or to injure the claims of the United States, under acts of cession from any individual State.¹

¹ The original motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 30, folio 541.

A division of the amendment was called for; and on the question to agree to the first clause, as far as the words "jurisdiction of any State or States," inclusive, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Maryland,</i>			
Mr. Long,	no	}*	Mr. Hindman,	no	}no	
<i>Massachusetts,</i>			Harrison,	no		
Mr. Gorham,	ay	}	<i>Virginia,</i>			
King,	no		no	Mr. Grayson,	ay	}ay
Dane,	no			Monroe,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>			
Mr. Manning,	no	}*	Mr. Blount,	ay	}ay	
<i>Connecticut,</i>			Bloodworth,	ay		
Mr. Johnson,	ay	}	White,	no		
Mitchell,	ay		ay	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Pinckney,	ay	}ay	
Mr. Haring,	ay	}	Kean,	ay		
Smith,	ay		ay	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Houstoun,	ay	}ay	
Mr. Hornblower,	no	}*	Few,	ay		
<i>Pennsylvania,</i>						
Mr. Pettit,	ay	}				
Bayard,	ay		}ay			
Wilson,	ay					
St. Clair,	ay					

So it was resolved in the affirmative.

On the question to agree to the latter clause, the yeas and nays being required by Mr. [Melancton] Smith,

<i>New Hampshire,</i>			<i>Maryland,</i>			
Mr. Long,	ay	}*	Mr. Hindman,	ay	}ay	
<i>Massachusetts,</i>			Harrison,	ay		
Mr. Gorham,	no	}	<i>Virginia,</i>			
King,	no		no	Mr. Grayson,	ay	}ay
Dane,	no			Monroe,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>			
Mr. Manning,	ay	}*	Mr. Bloodworth,	ay	}ay	
<i>Connecticut,</i>			White,	ay		
Mr. Johnson,	no	}	<i>South Carolina,</i>			
Mitchell,	no		no	Mr. Pinckney,	ay	}ay
<i>New York,</i>			Kean,	ay		
Mr. Haring,	ay	}	<i>Georgia,</i>			
Smith,	ay		ay	Mr. Houstoun,	ay	}div.
<i>New Jersey,</i>			Few,	no		
Mr. Hornblower,	ay	}*				
<i>Pennsylvania,</i>						
Mr. Pettit,	no	}				
Bayard,	no		no			
Wilson,	no					
St. Clair,	no					

So the question was lost.

The report being further amended, adjourned to 11 o'clock tomorrow.

The Board of Treasury to whom was Referred the Petition of Benjamin Pierce late Gunner of the Continental Frigate *Alliance*, in behalf of a number of the late Officers, and Marines of the said Ship when under the Command of Captain Peter Landais, Beg leave to Report:

That the Memorialist in behalf of the Parties abovementioned, prays that he may receive the Amount of Prize Money due on the Captures made by the Frigate *Alliance*.

That it appears from a Receipt of Captain John Paul Jones, who was appointed Agent to receive the Prize Money abovementioned (transmitted to the Office of the Secretary of Foreign Affairs) that there has been paid to the said Agent the sum of One hundred and

five thousand, one hundred and eighty-five Livres, three Sol. and six Deniers, on account of Prize Money due the Officers and Crew of the Frigate *Alliance*.

That in consequence of this information the Board have transmitted to the Honb^{le} M^r Jefferson, Minister for the United States at the Court of France, an order on Captain John Paul Jones for the above Sum, as well as for the Sums received by him on Account of Prize Money due to the other American Officers and Seamen, who Served in the Squadron under his Command during the late War.

That 'till Information is received from the said Minister of the payment of the Order above mentioned, and proper Returns made of the Names and Stations of the Officers and Men serving on Board the Frigate *Alliance* at the time the Captures were made, it will be impossible to make any Distribution of the Prize Money due to the said Vessell.

Under these circumstances the Board submit to the consideration of Congress the following Resolves:

That the Board of Treasury be directed forthwith to call upon Captain John Paul Jones lately Commanding the *Bon-homme Richard*, and Captain Peter Landais lately commanding the Frigate *Alliance* for accurate Returns of the Officers and Men serving on Board their respective Vessells, at the time the Captures were made by the late Squadron under the Command of John Paul Jones.¹

* * * * *

May 23^d, 1786.

The Commissioner for settling the accounts of the late Army of the United States to whom was referred the memorial of Marinus Willett, late commanding a regiment of Militia embodied in the State of New York, begs leave to report:

That the Regiment entered the service of the United States at the commencement of the campaign of 1782 under the resolution of Congress of the 2^d day of April, 1781, and continued on the frontiers of the State of New York from that time until the end of the War.

That this resolve of Congress appears to have annexed certain conditions to the admission and payment of the two regiments of

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress* No, 138, II, folio 257. According to indorsement it was read May 24 and passed June 7 on which date the altered resolve and concluding paragraph of the report were entered verbatim on the Journal.

Infantry proposed to be raised by the State of New York, one of which is that the Officers be proportioned to the number of men actually in service and another that the State fill up their quota of Troops for the Continental Army.

That the regiment had its full compliment of Officers when it entered the service excepting the recruiting Lieutenant and a small deficiency in the number of men necessary to complete the quota of a regiment of Infantry of about forty-nine men.

That it appears by the returns of the War Office that the State of New York was deficient in its quota of Troops from the Continental Army at the commencement of 1781 in Six hundred and ninety-six men. At the commencement of 1782 in Five hundred and fifteen men, and of 1783 in Fourteen hundred and forty-six men.

That the regiment has been paid by the State of New York for the year 1782. That it has been clothed by the United States in consequence of a resolution of Congress of the 20th day of August, 1782, and that it has been Subsisted and paid the four months advance in the year 1783, in the same manner as the rest of the Army by the direction of the Commander in Chief.

That on this state of facts, the Commissioner begs leave to lay the following question before Congress, whether the regiment shall be settled with for the arrears still due, notwithstanding the conditions of the resolve of April 2^d, 1781, have not been complied with.

All which is humbly submitted.

JNO. PIERCE,
*Commiss^r*¹

Office of Army Accounts
May 24, 1786.

¹ This report is in the *Papers of the Continental Congress*, No. 62, folio 131. According to indorsement it was read May 24 and on August 9 referred to a committee.

MAY 24: The "Board of Treasury to take order—on the first part of the report of the committee to whom was referred the speech of Cap^t O'Beel and the letter from Gen^l Butler—for the payment and adjustment of the bill of expences of Cap^t O'Beel and his Associates and the allowanee to be made to the Interpreter."

The "Comm^{rs} for holding treaties with western Indians to take order on the second part of the above report, to assure Cap^t O'Beel that Congress are deliberating upon proper measures to be taken to continue the correspondenee between the United States and the Indian nations and that nothing shall be wanting on their part to cultivate friendship and good understanding with them"

Committee Book No. 190.

THURSDAY, MAY 25, 1786.

Congress assembled. Present, as yesterday.

Congress resumed the consideration of the report under debate yesterday, and which was amended to read as follows:

That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the State of Connecticut to certain western lands, beginning at the completion of the 41st degree of north latitude, one hundred and twenty miles westward of the Western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, and from thence a line to be drawn north, parallel to, and one hundred and twenty miles westward of the said west line of Pennsylvania, and to continue north until it comes to forty two degrees and two minutes North latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose; provided that the acceptance of the said cession shall in no degree be construed to affect the claims of any state or states, to any territory which has been or shall be ascertained by the decree of a federal Court, to be within the territory or jurisdiction of any State or states.

A motion was made by Mr. [Nathan] Dane, seconded by Mr. [Rufus] King, to postpone the report as amended, to take up the following:

That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the state of Connecticut, to certain western lands westward of the following line, that is to say, beginning at the completion of the forty first degree of

Also, according to indorsement, was read a letter of May 23, from the Secretary for Foreign Affairs, enclosing a letter from Thomas Jefferson of January 22 and a joint letter of March 28 from Adams and Jefferson. Jay's letter is in No. 80, II, folio 357. The letter of March 28, in copy form, is in No. 86, folio 369 and relates to the negotiations with the Barbary States. On it is a note by Henry Remsen, jr., this copy was made "from a copy furnished by Mr. Jefferson. . . . the original having been communicated to Congress and referred by them to a Committee, which never reported on nor returned it." See *post*, May 26.

Also, on this day, according to indorsement, was read a letter of May 18, from John Sullivan, accompanied by a memorial for the pay due him. It is in No. 78, XXI, folios 451-455. The letter is indorsed by Thomson: "The reading of this interrupted and stopped by Congress May 24, 1786." Sullivan was a lieutenant in the 4th Light Dragoons and one of the prime movers in the mutinous Pennsylvania troops which, in 1783, threatened Congress.

north latitude, one hundred and twenty miles westward of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, and from thence a line to be drawn northerly, parallel to, and one hundred and twenty miles westward of the said west line of Pennsylvania, and to continue northerly until it comes to the latitude of the boundary line between the States of Connecticut and Massachusetts, and will accept a deed of cession thereof from the delegates of the said State of Connecticut, whenever they shall tender the same duly executed.¹

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

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Long,	ay	}*	Mr. Hindman,	no	}no
<i>Massachusetts,</i>			Harrison,	no	
Mr. Gorham,	ay	}ay	<i>Virginia,</i>		
King,	ay		Mr. Grayson,	no	}no
Dane,	ay		Monroe	no	
<i>Rhode Island,</i>		Carrington,	no		
Mr. Manning,	ay	}*	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Blount,	no	}no
Excused from voting.		Bloodworth,	no		
<i>New York,</i>		White,	no		
Mr. Haring,	ay	}div.	<i>South Carolina</i>		
Smith,	no		Mr. Pinckney,	no	}no
<i>New Jersey,</i>		Kean,	no		
Mr. Hornblower,	ay	}*	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Houstoun,	ay	}ay
Mr. Pettit,	no	Few,	ay		
Bayard,	no				
Wilson,	no				
St. Clair,	no				

So the question was lost.

The question being then taken on the report as amended, was lost.

¹ This motion, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 30, folio 539. On the verso in an unidentified writing is: "Improper to do any thing respecting former Cessions because they must be construed upon the principle contained. Injury."

The Board of Treasury to whom was Referred the Petition of Patrick Bennett, Beg leave to Report:

That the Petitioner acted as Forage Master in the late Army from the Year 1777 to the year 1780; and prays that the Depreciation of Monies received by him on Account of his Services whilst acting in that line, may be made up to him.

On the above Application the Board beg leave to observe that, no provision has been made by the United States in Congress for making up Depreciation of Pay to any Persons who have Served in the late Quarter Master General's Department.

That should the United States in Congress hereafter judge it proper to place the Officers of the late Staff Departments of the Army on the same footing with Officers of the Line, with respect to the Allowance of Depreciation, the Petitioner would not *then* be Entitled to the Benefit of such provision, since it appears by his own Shewing that he quitted the Service on the 17th March, 1780; and the different Acts of Congress of the 10th April and 8th August, 1780, and of the 15th May and 12th August, 1783, relative to the Allowance for Depreciation, evince it to be the uniform intention of that Honorable Body to exclude from the Claim of Depreciation all Persons whatsoever, who were not in Service at the Periods above mentioned.

The Board therefore Submit to the Consideration of Congress the following Resolve:

That the Memorial of Patrick Bennet, a Forage Master in the late Army, praying for an Allowance of Depreciation to the time he left the Service of the United States (being in the Month of March, 1780) is Inadmissible.¹

May 24th, 1786.

¹ This report is in the *Papers of the Continental Congress*, No. 138, I, folio 107. According to indorsement it was read May 25.

MAY 25: On this day, according to indorsement, was read a letter of May 24, from the Board of Treasury, forwarding an extract from the minutes of the Board establishing the salaries of the various Commissioners of the Loan Offices. The letter is in No. 140, II, 223 and the extract is on folio 227.

Also a petition of Rachel Wells was read, praying payment of interest on the money she lent the United States in 1778. It is in No. 42, VIII, folio 354.

Also was read the report of May 24, from the Commissioner of Army Accounts, on the memorial of Nathan Fuller. See *ante*, May 3. The report is in No. 62, folio 123.

Also was read a letter of May 24 from the Secretary for Foreign Affairs, forwarding a letter from C. W. F. Dumas. Jay's letter is in No. 80, II, folio 365.

FRIDAY, MAY 26, 1786.

Congress assembled. Present, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Virginia, Mr. [William] Grayson, and from South Carolina, Mr. [Charles] Pinckney.

On motion of Mr. [William Samuel] Johnson, seconded by Mr. [Stephen Mix] Mitchell,

Resolved, That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the State of Connecticut to certain western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, and from thence by a line to be drawn North parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue North until it comes to forty two degrees two minutes North latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose.¹

¹ This motion, in the writing of John Bubenheim Bayard, is in the *Papers of the Continental Congress*, No. 30, folio 521. The following proviso has been crossed out: "Provided that the acceptance of the said cession shall in no degree be construed to affect the claim of any State or States to any Territory which has been or shall be ascertained by the degree of a federal Court to be within the territory or jurisdiction of any State or States." The motion is indorsed by Roger Alden: "the reports and motions enclosed—Act filed with similar Acts of the States."

On the question to agree to the above resolution, the yeas and nays being required by Mr. [William Samuel] Johnson,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Long,	ay }*	Mr. Pettit,	ay
<i>Massachusetts,</i>		Bayard,	ay
Mr. Gorham,	ay	Wilson,	ay }ay
King,	ay }ay	St. Clair,	ay
Danc,	ay }	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Hindman,	no
Mr. Manning,	ay }*	Harrison,	no }no
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Johnson,	ay	Mr. Grayson,	no }*
Mitchell,	ay }ay	<i>North Carolina,</i>	
<i>New York,</i>		Mr. Blount,	ay
Mr. Haring,	ay	Bloodworth,	ay }ay
Smith,	ay }ay	White,	no }
<i>New Jersey,</i>		<i>South Carolina,</i>	
Mr. Symmes,	ay	Mr. Pinckney,	ay }*
Hornblower,	ay }ay	<i>Georgia,</i>	
		Mr. Houstoun,	ay
		Few,	ay }ay

So it was resolved in the affirmative.

WAR OFFICE, *May 25, 1786.*

SIR: I have the honor to transmit to Congress a copy of a letter received from M^r Humphreys. I have also received from him the ten swords specified in his letter, the design and execution of which are in a masterly style. I shall forward the swords to the Gentlemen to whom they were directed to be presented, or to their representatives.

I have the honor to be etc.

H. KNOX.¹

The Honorable

NATHANIEL GORHAM, Esqre.,
Chairman of Congress.

That the secretary for foreign affairs be directed to report instructions to the Ministers of the U. S. in Europe to conclude [on the best

¹ This letter is in the *Papers of the Continental Congress*, No. 150, I, folio 309. According to indorsement it was read May 26. A copy of Humphrey's letter is on folio 305.

terms in y^r power] as soon as may be treaties [of peace] with any person or persons authorized by the states of Barbary [or any of them] for that purpose, and that the said ministers be impowered to ~~open a loan in H~~ borrow on the faith of the U. S. in Europe, [upon the best terms in y^r power] a sum not exceeding 3,000,000 of [Dutch] florins for effecting the said treaties.¹

May 26, 1786: Referred to the Sec^y for foreign Affairs to report.

OFFICE OF SEC^X OF CONGRESS,
May 26, 1786.

On the letter of 22 from Mr. Gardoqui relative to the Account of Mess^{rs} J. Gardoqui & Sons ag^{ts} the United States

The Secretary of Congress reports: That the board of treasury have reported on a similar letter from M^r Gardoqui and that this Report of the board of treasury lies before Congress.

The Secretary farther reports: That the 27 Jan^y, 1786, from Mr. Dumas and the papers therein enclosed relative to his Acco^t with the United States be referred to the board of treasury to report.

The Secretary farther reports: That the note of 11 May from the Encargado de Negocios of Spain relative to the Sums received from his Exc^y Sen^r Count de Galvez other subjects of New Orleans and Havanna by O. Pollock be referred to the board of treasury to report.²

MONDAY, MAY 29, 1786.

Six states only assembled; namely, Massachusetts, New York, New Jersey, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Connec-

¹ This motion, in the writing of Charles Pinckney, except the words in brackets which are in that of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 257. The heading at the top and reference order at the bottom are in Charles Thomson's writing. The reference was also entered by Thomson in Resolve Book No. 190 which states that the Secretary for Foreign Affairs reported May 30.

² This proceeding is entered by Thomson in *Reports of the Secretary of Congress* No. 180.

MAY 26: On this day, according to indorsement, was read a petition from Isaac Sears and Pascal Nelson Smith, merchants of New York, and Ebenezer Woodward and Jonathan Nutting, merchants of Boston on the case of the captured British sloop *Jane*. It is in No. 42, VII, folio 229.

Also, was read a letter of May 16 from Governor Patrick Henry, of Virginia, informing of the hostile conduct of western Indians. It is in No. 71, II, folio 427. See *post*, May 30.

ticut, Mr. [Stephen Mix] Mitchell; from Pennsylvania, Mr. [John Bubenheim] Bayard; from South Carolina, Mr. [Charles] Pinckney, and from Georgia, Mr. [William] Few.

TUESDAY, MAY 30, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Connecticut, Mr. [Stephen Mix] Mitchell, and from South Carolina, Mr. [Charles] Pinckney.

The Board of Treasury to whom was Referred the Memorial of Andrew Caldwell of the City of Philadelphia Beg leave to Report,

That the Transactions stated in the Memorial appear to have taken place under the direction of Mess^{rs} Mease & Caldwell, Agent Clothiers for the Army, whose Accounts stated to the time, when the purchase mentioned in the Memorial took place, have not been Exhibited, although repeated Applications have been made for this purpose.

That a Paper purporting to be a general Account Current of the Agents abovementioned has been deposited in the Commissioner's Office for the Clothing Department, bearing date on the 1st August, 1780, in which the sum of £45,048 Pennsylvania Currency, is stated to be due to Andrew and James Caldwell as stated in the above Memorial.

That the Account above mentioned is not Authenticated, neither can it be ascertained till such time as the Accounts of Mease & Caldwell are rendered, at what time the Balances became due to the Memorialist, so that the Specie value may be Estimated accordingly.

From the above Statement the Board Submit to the Judgement of Congress the following Resolve:

That the Commissioners for Settling the Accounts of the Clothing Department, be directed forthwith to call upon the Representatives of Mess^{rs} Mease & Caldwell, late Agent Clothiers for the Army to exhibit for Adjustment, the Accounts of the said Agents, for their Transactions in the Capacity above mentioned

That when the Commissioners for the Clothing Department shall be able to ascertain the Specie Value of the Balance due to the late

House of Andrew & James Caldwell, he be directed to Issue his Certificate for the Amount in favor of such Person or Persons as may be properly Authorised to receive the same.

All which is humbly submitted.¹

May 27th, 1786.

Motion of M^r. King seconded by M^r Lawrence, That the Secretary at War take order to forward Capt. Obeal and his Associates to their Own country by the route of the North and Mohawk rivers, and that the board of treasury furnish the money necessary to defray their expences until they arrive at the borders of their own Country.²

The Board of Treasury to whom was Referred the Memorial of Dirk Van Ingen of the Township of Schenectady in the State of New York, Beg leave to Report:

That it appears from the said Memorial that M^r. Van Ingen was employed as a Surgeon in the Hospital of the Northern Department from the 9th May, 1777, to the 18th January, 1780, at which time he was dismissed as a Supernumerary.

That the Memorialist states that the Legislature of the State of New York, has, agreeably to the Recommendations of the United States in Congress, made up the Depreciation of all the Surgeons in the Hospital of the Northern Department, excepting that of the Memorialist; and Prays that the United States in Congress would be pleased to recommend his Case to the said Legislature, in order that he may reap the Benefit of the general Recommendations of Congress, equally with the other Officers of the Northern Hospital.

On the Circumstances above mentioned the Board beg leave to Report:

That by the various Resolves of Congress, relative to depreciation of Pay of the 10th April and 8th August, 1780, and 15th May and 12th August, 1783, it appears to have been the intention of the United

¹ This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 151. According to indorsement it was read May 30 and referred to Mr. [William] Grayson, Mr. [John Bubenheim] Bayard and Mr. [William] Hindman. Committee Book No. 190 shows that this committee was renewed on September 7, *q. v.*

² This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, III, folio 259. According to indorsement it was made May 30 and referred to the Secretary at War to take order. It was also entered, by Roger Alden, in Committee Book No. 190.

States in Congress not to extend the Claim of Depreciation to any persons who were not in the Service of the United States on the 10th April, 1780.

That the Memorialist quitted the Service of the United States on the 18th of January, 1780; on which Account it is to be supposed that the Legislature of the State of New York declined making up his Depreciation; the same not being agreeably to the Resolves of Congress in that behalf made.

That however meritorious the Services of the Memorialist May have been, it does not appear proper in the Opinion of this Board, to establish a precedent in this case, which may defeat that general System for Allowance of Depreciation, which it is to be presumed by this Board has, after mature consideration been adopted by Congress.

They therefore Submit the following Resolve:

That, the Claim of Dirk Van Ingen for Depreciation of Pay, on account of his Services as a Surgeon in the Hospital of the Northern Department, cannot be admitted; the said Van Ingen, having quitted the Service of the United States before the 10th April, 1780.

All which is humbly Submitted.¹

May 27th, 1786.

¹ This report, signed by Walter Livingston and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 471. According to indorsement it was read May 30.

MAY 30: The following committee was appointed:

Mr. [William] Grayson, Mr. [Nathan] Dane and Mr. [James] Monroe, on "Letter May 16th, 1786, from Gov^t Virginia, of hostile conduct of the W. Indians. See *post*, June 6.

The "Letter and Note, May 29th, 1786, from the Minister of the United Netherlands, respecting the resolution of May 17th on the subject of his Note of Feb^y 19th" was referred to the Secretary for Foreign Affairs to report, which he did August 23. Van Berckel's letter and note of May 29, which relates to the affairs of the Dutch creditors of De la Lande & Fynje, are in No. 99, folios 259-265, accompanied by translations. Jay's letter of May 30 forwarding the note of Van Berckel is in No. 80, II, folio 369. *Committee Book No. 190.*

Also, according to indorsement was read a letter of May 25 from the Secretary at War enclosing copies of letters from Lafayette and D'Estaing. Knox's letter is in No. 150, I, folio 313, accompanied by the copies.

WEDNESDAY, MAY 31, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from South Carolina, Mr. [Charles] Pinckney.

Congress resumed the Consideration of the report of the Committee, to whom was referred a report of the Secretary at War, on the Articles of War and Courts-martial, and thereupon came to the following resolutions:

Whereas¹ crimes may be committed by Officers and Soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of Officers to hold a general Court-Martial, according to the rules and Articles of War, in consequence of which Criminals may escape punishment, to the great injury of the discipline of the troops and the public service:

Resolved, That the fourteenth section of the rules and Articles for the better government of the troops of the United States, and such other Articles as relate to the holding of Courts-Martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

Resolved, That the following rules and Articles for the Administration of justice, and the holding of Courts-Martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all Officers and Solders, who are, or shall be in the Armies of the United States.

ADMINISTRATION OF JUSTICE.

Article 1. General Courts-Martial may consist of any number of Commissioned Officers from five to thirteen inclusively; but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service.

¹ At this point Benjamin Bankson begins the entries in the Journal.

Art. 2. General Courts-Martial shall be ordered, as often as the cases may require, by the General or Officer commanding the troops. But no sentence of a Courts-Martial shall be carried into execution until after the whole proceedings shall have been laid before the said General or Officer commanding the troops for the time being; neither shall any sentence of a general Court-martial in time of peace, extending to the loss of life, the dismissal of a Commissioned Officer, or which shall either in time of peace or war respect a General Officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary at War, to be laid before Congress for their confirmation, or disapproval, and their orders on the case. All other sentences may be confirmed and executed by the Officer ordering the Court to assemble, or the Commanding Officer for the time being, as the case may be.

Art. 3. Every Officer commanding a regiment or Corps, may appoint of his own regiment or corps, Courts-Martial, to consist of three Commissioned Officers, for the trial of offences, not Capital, and the inflicting Corporeal punishments, and decide upon their sentences. For the same purpose, all Officers commanding any of the garrisons, forts, barracks, or other place where the troops consist of different Corps, may assemble Courts-Martial, to consist of three commissioned officers, and decide upon their sentences.

Art. 4. No garrison or regimental Court-Martial shall have the power to try Capital cases, or Commissioned Officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-Commissioned Officer or Soldier, for a longer time than one month.

Art. 5. The Members of all Courts-Martial shall, when belonging to different Corps, take the same rank in Court which they hold in the Army. But when Courts-Martial shall be composed of Officers of one Corps, they shall take rank according to the Commissions by which they are mustered in the said Corps.

Art. 6. The Judge Advocate, or some person deputed by him, or by the General, or Officer commanding the Army, detachment or garrison, shall prosecute in the name of the United States of America; but shall so far consider himself as Council for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to

each member the following Oaths, which shall also be taken by all members of regimental and garrison Courts-Martial.

“You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried. So help you God.”

“You A. B. do swear, that you will duly administer justice, according to the rules and Articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said Articles, according to your conscience, the best of your understanding, and the Custom of war, in the like cases. And you do further swear, that you will not divulge the sentence of the Court, until it shall be published by the Commanding Officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof, as a Witness, by a Court of Justice, in a due course of law. So help you God.”

And as soon as the said Oaths shall have been administered to the respective Members, the president of the Court shall administer to the Judge Advocate, or person officiating as such, an oath in the following words:

“You A. B. do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law. So help you God.”

Art. 7. All the Members of a Court-Martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in Commission.

Art. 8. All persons who give evidence before a Court-Martial, are to be examined on oath, or affirmation as the case may be, and no sentence of death shall be given against any Offender by any general Court-Martial, unless two thirds of the Members of the Court shall concur therein.

Art. 9. Whenever an Oath or Affirmation shall be administered by a Court-Martial, the oath or affirmation shall be in the following form:

“You swear (or affirm, as the case may be) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Art. 10. On the trials of cases not capital, before Courts-Martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same.

Art. 11. No Officer shall be tried but by a general Court-Martial, nor by Officers of an inferior rank if it can be avoided. Nor shall any proceedings or trials be carried on, excepting between the hours of 8 in the morning and 3 in the afternoon, except in cases which, in the opinion of the Officer appointing the Court, require immediate example.

Art. 12. No person whatsoever shall use menacing words, signs or gestures in the presence of a Court-Martial, or shall cause any disorder or riot to disturb their proceedings, on the penalty of being punished at the discretion of the said Court-Martial.

Art. 13. No Commissioned Officer shall be cashiered, or dismissed from the service, excepting by order of Congress, or by the sentence of a general Court-Martial; and no non-Commissioned Officer or Soldier shall be discharged the service, but by the order of Congress, the Secretary at War, the Commander in Chief, or Commanding Officer of a Department, or by the sentence of a general Court-Martial.

Art. 14. Whenever any Officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters or tent, and deprived of his Sword by his Commanding Officer. And any Officer, who shall leave his confinement before he shall be set at liberty by his Commanding Officer, or by a Superior power, shall be cashiered for it.

Art. 15. Non-Commissioned Officers and Soldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a Court-Martial, or released by proper authority.

Art. 16. No Officer or Soldier, who shall be put in arrest or imprisonment, shall continue in his confinement more than 8 days, or until such time as a Court-Martial can be assembled.

Art. 17. No Officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by any Officer belonging to the forces of the United States, provided the Officer committing shall, at the same time, deliver an account in writing signed by himself, of the crime with which the said prisoner is charged.

Art. 18. No officer commanding a guard, or provost-marshal, shall presume to release any person committed to his charge, without proper authority for so doing; nor shall he suffer any person to escape on penalty of being punished for it by the sentence of a Court-Martial.

Art. 19. Every officer, or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the Commander in Chief, or commanding Officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect at the discretion of a Court-Martial.

Art. 20. Whatever Commissioned Officer shall be convicted before a general Court-Martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

Art. 21. In cases where a Court-Martial may think it proper to sentence a Commissioned Officer to be suspended from Command; they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Art. 22. In all cases where a Commissioned Officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, place of abode, and punishment of the delinquent be published in the newspapers, in and about Camp, and of the particular State from which the offender came, or usually resides; after which it shall be deemed scandalous for any Officer to associate with him.

Art. 23. The Commanding Officer of any post or detachment, in which there shall not be a number of Officers adequate to form a general Court-Martial, shall, in cases which require the cognizance of such a Court, report to the Commanding Officer of the Department, who shall order a Court to be assembled at the nearest post or detachment, and the party accused, with the necessary witnesses to be transported to the place where the said Court shall be assembled.

Art. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing Articles; nor shall more than one hundred lashes be inflicted on any Offender at the discretion of a Court-Martial.

Every Judge Advocate, or person officiating as such, at any general Court-Martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such Court-Martial, to the Secretary at War, which

said original proceedings and sentence, shall be carefully kept and preserved in the Office of the said Secretary, to the end, that persons entitled thereto, may be enabled, upon application to the said Office, to obtain Copies thereof.

The party tried by any general Court-Martial, shall be entitled to a Copy of the sentence and proceedings of such Court-Martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

Art. 25. In such cases, where the general, or Commanding Officer may think proper to order a Court of Inquiry, to examine into the nature of any transaction, accusation or imputation against any Officer or Soldier, the said Court shall be conducted conformably to the following regulations: It may consist of one or more Officers, not exceeding three, with the Judge Advocate, or a suitable person, as a recorder, to reduce the proceedings and evidences to writing, all of whom shall be sworn to the faithful performance of their duty. This Court shall have the same power to summon Witnesses as a Court-Martial, and to examine them on Oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the Witnesses, so as to investigate fully the circumstances in question.

Art. 26. The proceedings of a Court of Inquiry must be authenticated by the signature of the recorder, and the president, and delivered to the Commanding Officer; and the said proceedings may be admitted as evidence, by a Court-Martial, in cases not Capital or extending to the dismissal of an Officer; provided, that the circumstances are such that oral testimony cannot be obtained. But as Courts of Inquiry may be perverted to dishonourable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious Commandants, they are hereby prohibited, unless demanded by the accused.

Art. 27. The Judge Advocate, or the recorder, shall administer to the Members the following Oath:

“You shall well and truly examine and enquire, according to your evidence, into the matter now before you, without favour or affection. So help you God.”

After which the president shall administer to the Judge Advocate, or recorder, the following oath:

“You A. B. do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the Court, and the evidences to be given in the case in hearing. So help you God.”

The Witnesses shall take the same oath as is directed to be administered to Witnesses sworn before a Court-Martial.

Resolved, That when any desertion shall happen from the troops of the United States, the Officer commanding the regiment or Corps to which the deserters belonged, shall be responsible, that an immediate report of the same be made to the Commanding Officer of the forces of the United States present.

Resolved, That the Commanding Officer of any of the forces in the service of the United States shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the deserter or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require. That, if such search should prove ineffectual, the Officer Commanding the regiment or Corps to which the deserter or deserters belonged, shall insert, in the nearest gazette or newspaper, an advertisement, descriptive of the deserter or deserters, and offering a reward, not exceeding ten dollars, for each deserter who shall be apprehended and secured in any of the gaols of the neighboring States. That the charges of advertising deserters, the reasonable extra expenses incurred by the person conducting the pursuit, and the reward shall be paid by the Secretary at War, on the Certificate of the Commanding Officer of the troops.

May, 1786

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MAY 31, 1786.

The following letter from the Secretary for Foreign Affairs read:

OFFICE FOR FOREIGN AFFAIRS,
29 May, 1786.

SIR: In my negotiations with Mr. Gardoqui I experience certain difficulties, which, in my Opinion, should be so managed as that even the existence of them should remain a secret for the present. I take the liberty therefore of submitting to the consideration of Congress, whether it might not be adviseable to appoint a committee with power to instruct and direct me on every point and subject relative to the proposed treaty with Spain. In case Congress should think proper to appoint such a committee, I really think it would be prudent to keep the appointment of it secret, and to forbear having any conversation on subjects connected with it, except in Congress, and in meetings on the business of it.

With great respect, I have the honour to be your excellency's most obedient and very humble servant,
(Signed) JOHN JAY.

His Excellency the President of Congress.

The above was referred to a committee of three, viz. Mr. [Rufus] King, Mr. [Charles] Pettit and Mr. [James] Monroe, who, on the 1st August, reported that the letter be referred to a committee of the whole.¹

¹ Jay's letter is in No. 80, II, folio 185. According to indorsement by Thomson, it was read May 30 and referred to the committee May 31. The above proceeding is entered, by Thomson, only in *Secret Journal, Foreign Affairs*, No. 5. See *post*, August 1.

MAY 31: On this day the memorial of Robert Johnston praying relief from the loss of money in 1779, was read and referred to the Commissioner for settling Hospital Accounts, who reported June 6. Johnston's memorial is in No. 31, folio 129.

THURSDAY,¹ JUNE 1, 1786.

Congress assembled. Present as yesterday.

On motion of Mr. [William] Grayson, seconded by Mr. [John Cleves] Symmes,

Resolved, That the Geographer of the United States be, and is hereby authorised and directed, in case any Surveyor or surveyors, shall fail to appear at the time and place, by him ordered, to proceed upon the execution of the Ordinance, or within twenty days from the time so fixed, to appoint other Surveyor or surveyors, in place of him or them so failing.²

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

<i>New Hampshire</i> ,			<i>Maryland</i> ,		
Mr. Long,	ay	}*	Mr. Hindman,	ay	}ay
<i>Massachusetts</i> ,			Harrison,	ay	
Mr. Gorham,	ay	}ay	<i>Virginia</i> ,		
King,	ay		Mr. Grayson,	ay	}ay
Dane,	ay		Monroe,	ay	
Sedgwick,	ay		Carrington,	ay	
<i>New York</i> ,			Lee,	no)
Mr. Lawrance,	ay	}ay	<i>North Carolina</i> ,		
Smith,	ay		Mr. Blount,	ay	}ay
<i>New Jersey</i> ,			Bloodworth,	ay	
Mr. Symmes,	ay	}ay	White,	ay	
Hornblower,	ay		<i>South Carolina</i> ,		
<i>Pennsylvania</i> ,			Mr. Pinckney,	ay	}*
Mr. Pettit,	ay	}ay	<i>Georgia</i> ,		
Bayard,	ay		Mr. Houstoun,	no	}div.
			Few,	ay	

So it was resolved in the affirmative.

¹ Thomson here resumes the entries.² This motion, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 30, folio 425.

[Motion of M^r Grayson]

Resolved, That a Committee be appointed to draught an Ordinance for the sale of such of the lands as are the property of the United States lying between the little Miami and Scioto, on the principle of indiscriminate locations.¹

The Secretary of the United States for the department of war to whom was referred the memorial of Jesse Grant and Jesse Cook praying that their rank may be so settled that they may receive the pay of captains while prisoners, Reports:

That Jesse Cook and Jesse Grant were lieutenants in the Connecticut line, and as such were taken prisoners at Fort Washington in November, 1776, and remained in captivity until the 25th of October, 1780, when they were exchanged.

That M^r Cook was intitled to a captaincy on the 1st of January, 1777, and M^r Grant in the May following. Being in captivity they were not promoted but deranged in the beginning of 1779.

That warrants of captains were in 1782 granted them by the Governor of Connecticut which specify that "they had seasonably signified their release and desire to enter again into military service agreeably to the resolve of Congress of the 24th of November, 1778.

On this statement your secretary observes that it appears that the said M^r Grant and Cook complied with the requisitions of November 24, 1778, and would have again entered into the line agreeably to the said resolve, had not repeated reductions of the army rendered it impracticable.

That being comprehended within the spirit of the resolves of the 24th of November and the 1st of January, 1781, respecting officers who were prisoners; and having in consequence thereof been appointed

¹ This motion, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 36, III, folio 261. According to indorsement it was offered this day and postponed until Monday next.

by the state it appears reasonable and just, that they should receive the pay of their rank.

Your secretary therefore submits the following resolve to Congress.

H. KNOX.¹

War Office, May 6, 1786.

BOARD OF TREASURY,
May 31st, 1786.

SIR: We do ourselves the Honor of transmitting for the Information of Congress an Extract of a Letter which we have this day received from the Commissioner of the Loan Office in the State of New Jersey. It is Unnecessary for this Board to draw any Inferences from the Matters Stated in this Letter. Congress will readily discern, that unless Measures are Immediately adopted for preventing further Progress of the Mischiefs stated in Mr. Ewing's Letter, that all hope of any General Revenue, even on the System of Requisition, is altogether cut off.

We have the Honor to be etc.²

To His Excell^{ty} the
President of Congress.

¹ This report is in the *Papers of the Continental Congress* No. 151, folio 179. According to indorsement it was read June 1. The resolve recommended by Knox was adopted verbatim with a slight addition, July 6, where it is spread on the Journal. See *post*, July 3.

² This letter, signed by Samuel Osgood, Walter Livingston and Arthur Lee, is in No. 140, II, folio 233. According to indorsement it was read June 1. The extract from James Ewing's letter, dated Trenton, May 27, is on folio 229. It informed of the passage of a law by the State of New Jersey "for emitting and making Current one hundred thousand Pounds in Bills of Credit to be let out on Loans."

JUNE 1: The committee of February 25 on the report of the Board of Treasury on the estimate of supplies wanted for 1786 was this day discharged and the report of the Board of February 25 was referred back to said Board to report. A report was rendered June 27.

The "Report of Mr. Denning on Memorial of Udney Hay" was referred to the "Comm^{rs} for settling Acc^{ts} of Q^r Master and Comm^{rs} Depart^{mt}." See *ante*, May 22.

Committee Book No. 190.

Also, according to indorsement, the report on Indian Commissioners, which was read May 17, was postponed June 1, till Tuesday next. See *post*, July 12.

FRIDAY, JUNE 2, 1786.

Congress assembled. Present as before.

On motion of Mr. [Rufus] King, seconded by Mr. [James] Monroe,

Resolved, That the commissioners authorized to treat with the Indians in the Northern and Middle departments, since the 12 day of March 1784, account with the board of treasury for the monies and effects put into their hands, for the purposes of their commission.¹

On motion of Mr. [Charles] Pinckney, seconded by Mr. [John Cleves] Symmes,

Resolved, That thursday next be assigned for the appointment of three commissioners to examine and adjust the accounts of the board of treasury during the last year, agreeably to the resolution of June 21, 1785.²

On motion of Mr. [William] Grayson, seconded by Mr. [Rufus] King,

Resolved, That the commissioners of the board of treasury do take the most effectual measures to have the accounts of the secret Committee of Commerce, and of the Commercial Committee, settled without delay.³

¹ This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 30, folio 295.

² This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 26, folio 599.

³ This motion, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 26, folio 601.

JUNE 2: "A Motion of Virginia and Pensylv^a for reviving and continuing the power of the Com^{tes} [under the resolution of Feb^y 20th, 1782, for adjusting the claims of Individuals in the diff^t States]" was referred to the "Board of treas^y to report]" and reported on June 13. This entry is in Thomson's writing except the words in brackets which are in the writing of Roger Alden. See *post*, June 15.

Committee Book No. 190.

Also, according to indorsement, was read a report from General Richard Butler of the speeches between Captain O'Beel and himself. It is in No. 56, folios 399-401.

MONDAY, JUNE 5, 1786.

Mr. William Peery, a delegate for Delaware, attended, and took his Seat.¹

Congress assembled. Present, Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long; from New Jersey, Mr. [John Cleves] Symmes, and from Delaware, Mr. [William] Peery.

The Secretary laid before Congress a letter of the 29th May, from Mr. Benjamin Hichborn, in behalf of Mr. Hancock, stating that, "as Mr. Hancock is still confined to his bed, and unable to write himself, he has requested him to inform Congress, that he has long flattered himself with the prospect of better health, the want of which alone, has prevented his attending Congress; but his disorders at present wearing no appearance of leaving him soon, he is induced, from a consideration of the great inconvenience Congress is exposed to in such frequent temporary appointments to fill the chair, as well as from the total uncertainty of his future health, to request their acceptance of his resignation of the Office of President; that Mr. Hancock is truly sensible of the singular marks of the favourable sentiments of Congress in his appointment, and most sincerely regrets that he has it not in his power personally to acknowledge them;"² Whereupon,

Resolved, That Congress proceed to the election of a president.

Also was read a letter from the Secretary at War, informing that Captain O'Beel and his Associates have departed for Albany. Knox's letter is in No. 150, I, folio 329.

Also was read a letter from Benjamin Hichborn as to President John Hancock's illness and delay in answering a letter. It is in No. 78, XII, folio 445.

¹ See *ante*, May 1, for credential.

² Hichborn's letter is in No. 78, XII, folio 441.

WAR OFFICE, *June 5th, 1786.*

SIR: I have the honor to inform Congress that all the troops who were raised in the state of Jersey amounting to ninety men marched from New Brunswick on the 2nd instant for the western territory and also thirty-two recruits for the New York and Connecticut companies. The detachment is commanded by captain Mercer. On its arrival at the Ohio the number of troops there will amount to rather more than six hundred noncommissioned officers and privates.

A party of about thirty are designed for the garrison of West Point. At present only twelve are there; the remainder will be furnished by the recruits from New Jersey. After this party shall be completed there will be deficient about sixty of the seven hundred men ordered to be raised by Congress. This deficiency arises from the Quotas of the respective states not having been completed in the first instance: to the discharges of men unfit for the hardships of the field: to desertions, and to deaths. As the deficiency must be furnished by the respective states on which Congress assessed the regiment, the arrangement for recruiting in these states with its consequent contingent expences and the transportation of the recruits to the frontiers would be inordinately disproportionate to their services.

I shall therefore forbear any further recruiting for the present, otherwise than completing the garrison of West Point, unless events in the Western territory should render it necessary for the whole number to be completed immediately, or Congress should think proper to direct the measure.

I have the honor to be etc.

H. KNOX.¹

The Honorable

NATHANIEL GORHAM Esq^r

Chairman of Congress.

TUESDAY, JUNE 6, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from New Hampshire, Mr. [Pierse] Long, and from Delaware, Mr. [William] Peery.

¹ This letter is in the *Papers of the Continental Congress*, No. 150, I, folio 333. According to indorsement it was read June 6.

Congress proceeded to the election of a president, and the ballots being taken, the hon^{ble} Nathaniel Gorham was elected.

The Comm^{ee} [consisting of Mr. William Grayson, Mr. Nathan Dane, and Mr. James Monroe] to whom was referred the letter of Governor Henry, Report:

That it appears to your Comm^{ee}

* * * * *

Your Com^{ee} observe that as the organization of the Indian departm^t is already under commitment, they deem it unnecessary to take any notice of it in this report.¹

OFFICE OF HOSPITAL ACCOUNTS,

New York, June 6, 1786.

The Commissioner for settling the Accounts of the Hospital Clothing and Marine Departments, to whom was refered the Memorial of Robert Johnston, begs leave to report:

That he has examined into the facts stated in the Memorial and finds that Doctor Johnston faithfully performed the several Duties therein stated, in the prosecution of which he was unavoidably put to many Expences, all of which were allowed by Doctor Potts, Deputy Director General of the Hospital in an Account settled with him. It appears also that Doctor Johnson was put to a considerable expence in going from the Northward to join the Southern Army and when there, in travelling to different places to procure Medicines and Necessaries for the Sick. But however reasonable and just the several charges of Expences made by Doctor Johnston may be, as there is no Resolve of Congress allowing them, your Com^t thought it his duty to reject them wholly, without examining into their Reasonableness or propriety.

Your Comm^t begs leave to observe, that considerable charges of the like nature occur in the Accounts of almost all the principal, and in some of the inferior Officers of the Department, all which on a final settlement of their accounts must be rejected for the same reasons.

¹ This report, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 20, II, folio 317. According to indorsement it was read this day and "Wednesday June 7th Assigned for consideration. Question taken and lost 29 June, 1786," where that portion of the report omitted above is spread verbatim on the Journal. Patrick Henry's letter of May 16 is in No. 71, II, folio 427. See *ante*, May 26.

In many instances no doubt these expences will be found to have been incurred unavoidably, but the question naturally occurs how far the liberal allowance of Subsistance granted to the Hospital Officers, was considered as adequate to the expences of executing the Duties of their Offices; on Examination it will probably be found that in most instances it was fully adequate, in some few perhaps it was not. Upon the whole your Comm^r is of opinion * * *¹

The Board of Treasury to whom was Referred the Memorial of John Wilcox and Gerardus Clarkson, Executors of Benjamin Flowers deceased late Commissary General of Military Stores, Beg leave to Report:

That having referred to the Comptroller of the Treasury the said Memorial, they have received a Report thereon of which the enclosed is a Copy.

From the Statement made by the Comptroller Congress will observe the reasons, which have influenced that Officer in declining a Final Settlement of Colonel Flowers Accounts; the Board are of Opinion, that they are of weight, although it is to be apprehended that such accurate Returns of the Issues of Provisions and Stores in the different Departments of the late Army cannot be made, as the present Forms of Office render requisite. In the Department of Military Stores in particular the presumption is, that from the perishable nature of such Articles, their disperst situation, frequent Removal, and irregular mode of Issue, an exact Account of their Disposal could never be obtained; whatever Expence the United States might Subject themselves to for obtaining this end, even were the Accountable Parties are still living.

It is to be observed, that the deceased, in behalf of whose Estate the Memorial is presented, is represented to be of fair Reputation, and that he died in low Circumstances; which are presumptions that there has been no Embezzlement of the Stores purchased or received by him, so far as they were Subject to his immediate Inspection and Controul: But as, from the Report of the Comptroller, it does not appear that any Attempt has been made by the Executors of the Deceased to render any Account whatsoever of the Articles purchased

¹ This report, of Commissioner Ben Walker, is in the *Papers of the Continental Congress*, No. 31, folio 121. According to indorsement it was read June 6. The opinion of the Commissioner, omitted above, was adopted June 28 and it there spread on the Journal with minor verbal changes.

or received by Colonel Flowers as principal of the Department, the Board are of Opinion, that it would Establish a precedent, which in its consequences might prove highly injurious to the Public Interest, to direct a final Settlement of his particular Account, 'till the best Evidence is obtained of the disposition of the Articles, purchased or received by him as Principal of the Department, which present circumstances will admit of.

Such an Account the Memorialists as Executors of the deceased have no doubt may still be furnished; but they alledge that the Estate of the deceased is so reduced as not to be competent to defray the necessary Clerkship attending this Business.

They therefore pray that the United States in Congress would either direct the Official Certificate to be Issued for the Balance which may appear due on the Settlement of the Cash Account of the Deceased, or defray the Expense of the Clerks who may be necessarily employed in the investigation of his Public Accounts.

Under these circumstances, the Board submit to the Consideration of Congress the following Resolves.¹

June 2^d, 1786.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 515. According to indorsement it was read June 6 and passed July 3, where the recommended resolves are spread verbatim on the Journal. The Comptroller's report is on folio 523. See *ante*, February 13.

JUNE 6: The following committee was appointed: Mr. [Charles] Pinckney, Mr. [James] Monroe and Mr. [Rufus] King "To form an Ordinance for the complete arrangement and government of the Indian department." The committee of March 21 on Indian trade was this day discharged. A report was rendered June 28.

Committee Book No. 190.

Also, according to indorsement, was read a letter of June 5, from the Secretary for Foreign Affairs, forwarding a letter of March 18 from the Governor of Madeira through the hands of John Marsden Pintard. Jay's letter is in No. 80, II, folio 373.

Also, was read, a letter of June 6, from the Secretary for Foreign Affairs, forwarding a letter from Count de Florida Blanca, in answer to that of September 21, 1785. Jay's letter is in No. 80, II, folio 377. Florida Blanca's letter, dated January 28 is in No. 97, folio 290.

WEDNESDAY, JUNE 7, 1786.

Congress assembled. Present as yesterday; and from Rhode Island, Mr. [James] Manning.

On a report of the board of treasury, to whom was referred a petition of Benjamin Pierce, late a gunner of the continental frigate *Alliance*, in behalf of a number of the late Officers and marines of the Said ship *Alliance*, when under the command of captain Peter Landais,

Resolved, That the board of treasury be directed to take such measures as may appear to them to be most effectual for procuring accurate returns of the Officers and men serving on board the *Bon homme Richard*, commanded by John Paul Jones, and the frigate *Alliance*, commanded by Peter Landais, at the time the captures were made by the late squadron under the command of John Paul Jones.

That the amount of the prize Monies paid by captain John Paul Jones, to the Order of the board of treasury, on Account of the Officers and crew of the vessels above mentioned, be by the said board distributed to the Officers and men entitled to receive the same, or to their proper heirs or assigns, in proportion to the shares respectively due to them, agreeably to the returns abovementioned, and the Ordinances of Congress in that behalf made.

The Board of Treasury to whom was Referred the Memorial of Donald M^cDonald of the City of Albany, Beg leave to Report:

That the Petitioner states that during the time he was employed as an Hostler in the Public Stables at Albany, he received a Kick from Horse by which he has become so Cripple as not to be able to Maintain himself and Family, and prays that the Relief which has been granted by Congress to Invalid Soldiers may be extended to him.

On the above Application, The Board beg leave to observe—

That the Annual Charge, which has accrued in consequence of the Provision made by the United States in Congress, for Officers and Soldiers who have been disabled in the Service of the United States, is already a considerable deduction from the Annual Requisitions which have been made by Congress; and that it would be therefore

improper, in the Opinion of this Board, to Establish a precedent which might lead to augment it.

That however unfortunate the case of Memorialist is, the United States cannot be considered, under any greater degree of Obligation to make a provision for him, than if he had received the accident stated in his Petition, whilst in the Service of an Individual. That the Memorialist being an Inhabitant of the City of Albany is entitled to the same provision which is made in every District for the Support of Persons who are not able to provide for themselves.

They therefore Submit to the Consideration of Congress the following Resolve:

That the Petition of Donald M^cDonald late an Hostler in the Public Stables at Albany, praying that the Provision made by Congress for Officers and Soldiers who have been disabled in the Service of the United States may be extended to him, cannot be complied with, the said M^cDonald not coming under the description of the Characters for whom such provision was intended.

All which is humbly Submitted.¹

June 7th, 1786.

The Board of Treasury to whom was Referred the Memorial of Michael Snyser of York County in the Commonwealth of Pennsylvania, Beg leave to Report:

That the said Michael Snyser states that in the Year 1776, there became due to him, and the Men under his Command, as Captain in the Militia forming the Flying Camp, for Pay and sundry Arms and Accoutrements Supplied by the said Militia, the Sum of Three hundred and one Pounds, six Shillings, and three pence in Specie; and that the said Arms were procured on the Credit of the Soldiers Captured at Fort Washington, who were afterwards prosecuted for the same.

That in the Year 1779 he received a Warrant from the Board of Treasury for the above Sum, which was not however paid for want (as it was alledged) of Funds 'till some time in the Spring 1780, at which time the Money was so Depreciated that the Persons of whom the Arms were purchased declined receiving it.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 85. According to indorsement it was read June 7.

The Petitioner states that the Money which he then received he has now in his possession, and prays that some person may be duly Authorized to Receive the same, that his Account may be readjusted, and that he may be placed in a situation of doing justice to his Creditors.

On the Circumstances above mentioned, the Board beg leave to Observe—

That it does not appear that the Petitioner at the time when the parties, to whom the Money was due declined receiving it, made any Application for an Allowance on Account of Depreciation, or offered to return the same; hence a strong presumption arises, that at that time, no objection existed against the Receipt of the Money.

That it is contrary to the Established Forms of the Treasury to readjust Accounts, for the payment of which Warrants have been drawn and duly satisfied: That in the Opinion of this Board, this principle ought not to be departed from, but for reasons of a very extraordinary nature, which do not exist in the present case; and that where the transactions have been in Continental Money, and final Settlements made, a precedent would be established, by granting the prayer of the Petition, which might set afloat almost every Settlement which had been made by Public Officers, from the time a Depreciation of the Continental Money took place.

The Board therefore submit to the Consideration of Congress the following Resolve:

That the Petition of Michael Schmyser praying for a Readjustment of his Account with the United States, which was Settled and finally paid by a Warrant on the Treasurer on the 6th January 1780, cannot be complied with.

All which is humbly Submitted.¹

June 6th, 1786.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 335. According to indorsement it was read June 7 and September 4, 1786, "referred back to the Board of Treasury to report."

JUNE 7: The "Petition of Sam^l Davis for the reward of 500 dollars promised by proclamation to any person who should discover and make known the counterfeiters of final settlement notes" was referred to the Board of Treasury to report and report rendered June 12." Davis's petition, dated New York, June 6, is in No. 42, II, folio 330 and is indorsed as read June 7. A further indorsement by Roger Alden is: "See letter N. Adams of claims of Abbot for similar reward." See *post*, July 21.

THURSDAY, JUNE 8, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Delaware, Mr. [William] Peery, and from Georgia, Mr. [William] Few.¹

FRIDAY, JUNE 9, 1786.

Congress assembled. Present as yesterday; and from Connecticut, Mr. [William Samuel] Johnson.

MONDAY, JUNE 12, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Delaware, Mr. [William] Peery, and from Georgia, Mr. [William] Few.

The Secretary of the United States for the department of war to whom was referred the memorial of Eleazer Lindsly, Reports:

¹ JUNE 8: The "Memorial of Stephen Moore for payment of the balance due to him on Acc^t of Lands &c at W. Point obtained by U. S." was referred to the Board of Treasury to report, which it did July 17. See *post*, July 18. Moore's memorial is in No. 41, VI, folio 464; two affidavits respecting the lands are on folios 460 and 462 respectively.

Committee Book No. 190.

Also "A letter of 5 from Govern^t Livingston for advancing to the Indians mentioned in the said letter the sixteen dollars of which they were robbed." was referred to the "Board of Treasury to take order."

Committee Book No. 190.

Also, according to indorsement, was read a letter from George Rogers Clark, from Louisville, Kentucky, without date, on the western frontier situation. It is in No. 56, folio 279.

JUNE 9: The "Memorial of William Malcom for the pay and emoluments of Colonel" was referred to the Secretary at War to report, which he did July 21. Malcom's petition is in No. 41, V, folio 456.

The "Petition of Eleazer Lindsly for the pay and emoluments of a Lt Colonel" was likewise referred to the Secretary at War to report. He reported June 12. Lindsly's petition is in No. 41, V, folio 428.

Committee Book No. 190.

That on the union of Spencer's with Malcolm's regiment in the month of May, 1779, lieutenant colonel Lindsly was deranged as a supernumerary. That agreeably to the resolve of Congress of November 24th, 1778, in addition to his arrearages he was entitled to one years pay only which was drawn for him by the paymaster of the regiment.

On this statement your Secretary submits the following resolve:

Resolved, That lieutenant colonel Eleazer Lindsly having been deranged and settled with agreeably to the resolve of Congress of the 24th November, 1778, his petition for additional emoluments cannot be granted.

H. KNOX.¹

War Office, June 10, 1786.

The Board of Treasury, to whom was Referred the Petition of Samuel Davis of Chesterfield in the State of New Hampshire, Claiming the Compensation promised by the Proclamation of the United States of the 2^d February, 1785, to the Discoverers of Persons Convicted of Counterfeiting the Final Settlements Issued by the Commissioner of Army Accounts, Beg leave to Report:

That from the Evidence produced by the Memorialist it appears that he has been the principal person in bringing to Conviction at the Superior Court of the State of Connecticut, Jonathan Finney and Moses Fish of Windsor in the State of New Hampshire; and that being therefore Entitled to the Reward promised by the United States in Congress, by their Proclamation of the 2^d February, 1785.

They submit to the Consideration of Congress the following Resolve:

That there be Granted to Samuel Davis the sum of Five hundred Dollars, agreeably to the Proclamation of the 2^d February, 1785, as a Reward for bringing to Conviction Jonathan Finney and Moses Fisk of the State of New Hampshire, for counterfeiting certain Public Securities of the United States; and that the Board of Treasury take

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 183. According to indorsement it was read June 12.

order for paying the same, in such manner as the State of the Finances will best admit.

All which is humbly Submitted.¹

June 9th, 1786.

Your Committee [consisting of Mr. Henry Lee, Mr. Rufus King and Mr. John Kean] beg leave to Report:

[1st] That they consider the Confederation a Compact between equals for Mutual good.

* * * * *

[5th] That such appointments being made and being accepted by receipt of the Credentials said appointment constitutes the delegate, that is, a person authorised to took his seat in Congress that delegate failing to attend the duty's of his Office subjects himself to be represented to his Country as an unworthy Servant, and his Constituents become responsible to the Union for the delays and evils which may ensue from such Neglect.

[6th] That a delegate having taken his seat in Congress, has no right to withdraw himself from Congress without permission obtained, unless ordered so to do by the State he represents.

[7th] That Congress are the sole Judge of the privileges of their own Members.²

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, I, folio 271. Fish, or Fisk's name is spelled differently each time. According to indorsement, the report was read June 12 and on September 1 referred to a committee. Further indorsement states: "enquire the name of the Person who gave the first Information of the Forgery. Examination on the files." The letter of the Board, transmitting the above report is in No. 140, II, folio 241, and contains the following sentence: "We beg leave to Suggest whether the Reward promised by the Proclamation of the United States in Congress of the 2^d February last, might not be diminished in such a manner as still to operate as a sufficient inducement for the discovery of Persons convicted of the Offence specified in the Proclamation."

² This report, in the writing of Henry Remsen, Jr., is in the *Papers of the Continental Congress*, No. 23, folio 293. According to indorsement it was read June 12 and made the "Order of the day for thursday 15 June, 1786. pass'd July 14, 1786." The omitted portion remained unchanged throughout the proceedings. On June 15 the above report was modified and ordered printed; a printed copy is on folio 297, and has been altered, in ms., by Charles Thomson, to agree with the form adopted July 14. On June 15 the word "equals" as above was changed to "sovereignities" and the word "duties" in the second paragraph of the adopted report, July 14, was substituted for "services"; the fifth paragraph was rendered into smoother English; the sixth substituted "recalled" for "unless ordered so to do" and the seventh was suppressed entirely.

OFFICE OF SECRETARY OF CONGRESS,

June 12, 1786.

On the letter of the 7 from B. Hawkins esq^r one of the Com^{rs} for treating with the Southern Indians stating that the Gentlemen who supplied the s^d Com^{rs} with goods and necessaries desire to know the pleasure of Congress respecting the balance yet unpaid to them; and soliciting the attention of Congress to this subject.

The Secretary of Congress reports That the letter of Mr. B. Hawkins of the 7th together with the former letters of the Com^{rs} passed 12 June. relative to the expences of the treaties with Southⁿ Indians be referred to the board of treasury to report.¹

TUESDAY, JUNE 13, 1786.

Six states only attended; namely, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from New York, Mr. [John] Haring; and from Georgia, Mr. [William] Few.

Mr. John Henry, a delegate for Maryland, attended.²

WEDNESDAY, JUNE 14, 1786.

Six states only attended; namely, Massachusetts, New York, New Jersey, Maryland, Virginia and North Carolina;

¹ This proceeding, in the writing of Charles Thomson, is in the *Reports of the Secretary of Congress*, No. 180. *Committee Book*, No 190, gives dates of the treaties as February 14 and March 20.

JUNE 12: "Ordered That the board of treas^r do forthwith lay before Congress a state of the Measures taken by the different states respecting or in any manner affecting the requisition for 1785 together with the laws which have been enacted thereupon and how far in their Opinion the funds for complying with the said laws will be productive."

The "Memorial of Udney Hay respecting the Canadian refugees" was referred to the Board of Treasury to report.

The "Petition of Clement Gosselin and Germain Dionne—Canadian refugees" was referred to the Secretary at War to report.

Committee Book No. 190.

² JUNE 13: "B^d of Treasury—on motion of Delegates of Virg^a and Pens^a for reviving the powers of State Comm^{rs} transferred." See *post*, June 15.

Committee Book No. 189.

and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Pennsylvania, Mr. [Charles] Pettit; from Delaware, Mr. [William] Peery; and from Georgia, Mr. [William] Few.

THURSDAY, JUNE 15, 1786.

Congress assembled: Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from Delaware, Mr. [William] Peery, and from Georgia, Mr. [William] Few.

[Motion of Mr. Grayson]

That the commanding officer of the troops of the United States do take such positions along the Ohio as to protect the inhabitants from the incursions and depredations of the Indians.¹

The Board of Treasury to whom was Referred a Motion of the Honorable the Delegates of the States of Virginia and Pennsylvania, for reviving the powers of the State Commissioners for Adjusting Claims of Individuals against the United States, Beg leave to lay before Congress an Abstract of the period of Time employed by the State Commissioners in Adjusting the Claims of Individuals against the United States; and of the Expense which has already attended the execution of this Commission.

From the Statement Congress will observe that in almost every State in the Union, the State Commissioners have been engaged in this Business from two to three Years during which time it appears from their Official Correspondence, that little or no part of their time has been employed in Examining and Adjusting the Accounts of the State, in which they acted, with the United States.

That this is an object whose speedy completion in the judgement of this Board, is become indispensably necessary for preserving not only the Peace, but the Existence of the Federal Government; and

¹ According to Committee Book No. 190, this motion was offered by William Grayson on June 15. As there entered, by Roger Alden, it reads: "Motion of Mr. Grayson of the position to be taken by the commanding offr on the Ohio, for protection of the frontiers." The complete text, above, is found in the report of the Secretary at War on said motion, dated June 19 and read June 21.

therefore that the attention of the State Commissioners ought not to be diverted from it, for any consideration of an inferior degree of importance.

The Board beg leave to observe, that no Official Application has been made to them on the subject of Reviving the powers of the State Commissioners for Adjusting the Claims of Individuals, beyond the term prescribed by the Resolves of Congress of the 17th March, 1785, excepting from the States of New Jersey and New York: and that on both these Applications, the Board have already given their Opinion that the same could not be complied with, without endangering the Interests of the Union.

With respect to the States of Pennsylvania and Virginia whose Motion is the object of this Report, it becomes our Duty to observe, that in the former State, the Term employed for Liquidating the Claims of Individuals has been much longer, and the Expence much greater than in any other State; and that in the latter, the State has Assumed the Settlement of the Claims of their Citizens against the United States, both before and after the Appointment of the Commissioner on the part of the United States. The proof of this Observation will appear by recurring to the Abstract, and to the Extract of a Letter from the Commissioner of Public Accounts in the State of Virginia which accompany this Report.

Nor has the Settlement and Assumption of Claims against the United States been confined solely to the State of Virginia. The same practice has taken place in a very extensive degree in the States of Maryland, North and South Carolina: To revive the Powers of the Commissioners for Adjusting the Claims of Individuals in the States, under this predicament, would be therefore nugatory.

The States themselves are in this instance, the Accountable Parties with the Union; and for this Settlement the powers of the State Commissioners are still in force.

We beg leave further to Observe, That, in the Execution of the powers vested under the former Commission, there is every reason to fear, in spite of all the Caution which might be used by the respective State Commissioners, great Abuses and Impositions have taken place, by which the Domestic Debt is in all probability much greater than was justly due.

However proper it might have been to adopt a liberal line of Settlement, with those who had furnished Service or Supplies for the Establishment of the General Liberties, the Admission of the Oath of

the Claimant, in many Cases where other Testimony was defective, has undoubtedly proved a fruitful Source of augmenting the Public Expence, and of Corrupting the Virtue of the People, which is the only solid Basis of Republican Government.

The Wisdom of your Honorable Body will therefore determine how consistent it is either with Policy or Public Integrity to continue so powerful an incitement to Fraud and Perjury, as private Interest; or to encourage the augmentation of the National Debt, whilst there is so little prospect of discharging the interest of what is already Liquidated.

The Claims of Individuals against the United States remaining Unliquidated, are either inconsiderable or not so.

If they are inconsiderable, it surely would be improper for the sake of a partial Relief, to revive a System so Expensive in the Execution, and so injurious to the general Interest; especially when the Office of the Treasury is still open for receiving and adjusting all just demands against the United States.

If they are Considerable, it would, we humbly presume, be more equitable for such States, whose Citizens have neglected to avail themselves of the General Commission, to Appoint at their own Expence, an Agent to receive the Unliquidated Claims of their Citizens, and to adjust them at the Treasury of the United States, than it would be to Subject the Union to the great Expence and Evils which would inevitably Accrue from a General Revival of the Powers of the State Commissioners to Adjust the Claims of Individuals against the United States.

For the Reasons above Stated, the Board are of Opinion, That it would be improper to Revive the Powers of the respective State Commissioners for adjusting Individual claims, agreeably to the Resolves of Congress of the 20th of February, 1782.

All which is humbly submitted.¹

June 12th, 1786.

WAR OFFICE, *May 14, 1786.*

SIR: I have the honor to transmit to Congress the copy of a letter just received from the late Brigadier General Irvine a gentleman who commanded a considerable time at Fort Pitt during the late war and is well acquainted with the indians of the western country.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 219. According to indorsement it was read June 15. The abstract mentioned in the report is on folio 227.

A general statement of the temper and designs of the indians on the waters of the Ohio may soon be expected to arrive from the commanding Officer of the troops. If the reports of the vile conduct of the Cherokees be true it is probable they may have the temerity to insult some of the posts or attack some detachment of the troops of the United States. Hostilities will then be inevitable in which case that banditti ought to be driven from their present situation at the Scioto, so favorable for them to impede the proposed survey of the western country.

The commanding officer of the Troops although highly cautioned against being the aggressor will find himself justified by my orders to him to resent and punish severely any insult to the troops or posts.

I have the honor to enclose a copy of the orders on this subject which I hope will be agreeable to Congress.

I have the honor to be etc.

H. KNOX.¹

His Excellency

NATHANIEL GORHAM Esq^r,
President of
Congress.

The Committee Consisting of [Mr. Nathan Dane, Mr. William Grayson and Mr. John Kean] to whom were referred the motions respecting the powers and duties of the Secretary at war, Report:

That by the ordinance for ascertaining the powers & duties of the Secretary at War, it is among other things provided, that the form estimates of all such Stores, equipments and supplies as may be necessary for military Service, and for keeping up Competent magazines and to report the same to the Commissioners of the Treasury, and that he shall twice a year, or oftener, if thereto required settle the accounts of his Department, but it is not provided that he report any estimate to Congress, or that he shall send any expresses. As to estimates, the Committee are of opinion that it is proper for the Secretary at war to report to said Commissioners an estimate of such Stores, equipments, and Supplies as may be necessary in his Department, in Consequence of any military establishment, previously made by Congress, but that it is expedient that he report to Congress

¹ This letter is in the *Papers of the Continental Congress*, No. 150, I, folio 353. According to indorsement it was read June 15. The various enclosures are on folios 337-349.

as soon as may be and yearly, hereafter, the situation and extent of such arsenals and magazines as may be in his opinion proper to be established, and such estimates of military Stores and supplies as may be necessary for keeping up and supplying the same and for preserving and enlarging the military preparations of the United States that he rendered an account in his Department quarterly and be empowered to send expresses in certain Cases.

Wherefore they submit the following Resolves:

Resolved, That the Secretary at war as soon as may, and on the first monday of January yearly hereafter report to Congress the Situation and extent of such arsenals and magazines as may in his opinion be proper to be established, and such estimates of military Stores and supplies as may be necessary for keeping up and supplying the same and such estimates as may be expedient for enlarging the military preparations of the United States.

Resolved, That the Secretary at war make a quarterly return commencing the 30th of June of the expenditures of all monies received by him from the Commissions of the Treasury for the use of his Department.

Resolved, That the Secretary at war be authorized and empowered to send such expresses at the public expence as the service of his Department may in his opinion render necessary,¹

FRIDAY, JUNE 16, 1785.

Congress assembled. Present, as yesterday.

[Motion of Mr. King, seconded by Mr. Monroe.]

Ordered that the commissioners authorised to treat with the Indians in the Northern and middle Departments, be and hereby are

¹ This report, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 27, folio 305. According to indorsement it was read June 15. Committee Book No. 189 notes that it was transferred on this date.

JUNE 15: The "Petition of Edward Couper and William Ballard for pay as pilots to the fleet of Commodore Hopkins in the Chesapeake" was referred to the Board of Treasury to report and a report rendered October 12, 1787, and acted on October 13.

The "Petition of Jonth F. Morris for pay due to his Father, deceased, an officer in the State of New Jersey" was referred to the Commissioner of Army Accounts to report.

Committee Book No. 190.

"Ordinance for regulating the *Post Office* transferr^d" See *post*, February 14, 1787.

Committee Book No. 189.

directed immediately to report to Congress, such information as they may be possessed of concerning the Disposition and conduct of the indians next adjacent to the Settlements of Kentucke towards the inhabitants thereof; also the conduct of the inhabitants of said District or Settlement towards such Indians and particularly those living on or near the Wabash River.

That the said commissioners be farther directed to accompany their Report with such Vouchers and Documents as may be in their Power.¹

MONDAY, JUNE 19, 1786.

Six states only attended, namely, Massachusetts, New York, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from New Jersey, Mr. [John Cleves] Symmes, and from Georgia, Mr. [William] Few.

TUESDAY, JUNE 20, 1786.

Six states only attended; namely, Massachusetts, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning; from New York, Mr. [John] Haring, and from Georgia, Mr. [William] Few.

¹ This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 265. According to indorsement it was made June 16 and referred to the Commissioners for treating with the Indians in the Northern and Middle Departments to take order. Committee Book No. 190, notes that a report was rendered June 21.

On this day also, according to indorsement was read a letter of June 15 from the Secretary at War, on the need of replenishing the western magazines with powder and lead on account of hostile attitude of the Indians, and his application for money to transport same to Fort Pitt. Knox's letter is in the *Papers of the Continental Congress*, No. 150, I, folio 369. Copies of his letter to the Board of Treasury and the Board's answer are on 357-365.

Also was read the report of the committee of May 12 on the New York impost act. It is undated and, in the writing of Henry Remsen, Jr., is in the *Papers of the Continental Congress*, No. 20, I, folio 421. It was read June 16 and made the "Order of the day for tuesday." On folio 422 is a paper in the writing of Rufus King smoothing the phraseology of the 5th article of the report. The report is spread *verbatim* on the Journal under date of July 27, 1786, *q. v.*

WEDNESDAY, JUNE 21, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia and North Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from Georgia, Mr. [William] Few.

On motion of Mr. [William] Grayson, seconded by Mr. [Theodore] Sedgwick,

Resolved, That the postmaster general be informed, in answer to his letter of the 19th, that Congress approve his conduct in directing the deputy postmasters not to receive the paper money of any state for postage of letters.¹

The Secretary at War, to whom was referred a Motion of Mr. [William] Grayson, having reported the following resolution:

That having given such general instructions relative to the posting of the troops, on the western frontiers, as appeared to him proper, he has the honor herewith to submit them to Congress, and to observe, that they are conformable to the ideas presented by him to Congress in a letter of the 6th of April.

Your Secretary takes the liberty to remark, that altho' the troops now in service, may be adequate to prevent intrusions on the public lands and to cover the surveying of that district of country, ordered to be surveyed immediately, from the banditti of Cherokees, and other small tribes of indians, between the Ohio and Lake Erie, yet in his opinion they are utterly incompetent, to protect a frontier, from Fort Pitt, to the Mississippi, from the incursions and depredations of the numerous tribes of savages who inhabit that extensive country between the Ohio and the Lakes.

Were a general war with the western indians to be apprehended and to become inevitable, Your Secretary humbly conceives that the proper and decisive line of conduct, would be to augment the troops now in service to a legionary corps of fifteen hundred men at least,

¹ The letter from Postmaster General Ebenezer Hazard is in No. 61, folio 255. It was read this day and, according to indorsement and *Committee Book*, No. 190 was referred to the "Com^{rs} of the whole on the State of the Nation."

not only to chastise and expel those tribes of savages when depredations have been dictated by a thirst for plunder and blood; but to establish posts so far into the country as would awe and curb the british garrisons, and cover effectually the territory of the United States.

Your Secretary has directed the troops to be posted in the manner best adapted in his opinion to effect the objects specified in the instructions to the commanding officer and to protect the inhabitants on the Ohio, from Fort M^cIntosh to the Miami, a distance of five hundred miles. But if it should be the opinion of Congress that the line of posts could with propriety be further extended the commanding officer should be directed to detach two companies to the rapids of the Ohio, to take post there, so as most effectually to cover the inhabitants from the depredations of the indians.

On this principle the following resolve is formed.¹

“That the Secretary at War direct the commanding Officer of the troops, to detach two companies to the rapids of the Ohio, to protect the inhabitants from the incursions and depredations of the Indians.”

A motion was made by Mr. [Melancton] Smith, seconded by Mr. [Theodore] Sedgwick, that the report of the Secretary at war be referred to the Committee to whom is referred a report of the Commissioners for treating with the Indians in the Northern and Middle departments.

And on the question for commitment, the yeas and nays being required by Mr. [William] Grayson,

¹ This report, dated June 19, is in the *Papers of the Continental Congress*, No. 151, folio 187. According to indorsement it was read June 21, “Question taken and lost. July, 1786, Referred to the Sec^y at War to report the expence of a legionary corps of 1,500 men.”

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	ay	}*	Mr. Pettit,	ay	}div.
<i>Massachusetts,</i>			Wilson,	no	
Mr. Gorham,	ay	}	<i>Maryland,</i>		
King,	ay		Mr. Henry,	no	}no
Dane,	ay		Hindman,	no	
Sedgwick,	ay		Harrison,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	no	}*	Mr. Grayson,	no	}no
<i>New York,</i>			Monroe,	no	
Mr. Haring,	ay	}	Lee,	no	
Smith,	ay		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Bloodworth,	no	}no
Mr. Symmes,	no	}	White,	no	
Hornblower,	ay		}div.	<i>Georgia,</i>	
			Mr. Few,	no	}*

So the question was lost.

A motion was then made by Mr. [Henry] Lee, seconded by Mr. [William] Grayson, to amend the report, by changing "two" into "four:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	no	}*	Mr. Pettit,	no	}no
<i>Massachusetts,</i>			Wilson,	no	
Mr. Gorham,	no	}	<i>Maryland,</i>		
King,	no		Mr. Henry,	no	}no
Dane,	no		Hindman,	no	
Sedgwick,	no		Harrison,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	no	}*	Mr. Grayson,	ay	}ay
<i>New York,</i>			Monroe,	ay	
Mr. Haring,	no	}	Lee,	ay	
Smith,	no		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Bloodworth,	no	}no
Mr. Symmes,	no	}	White,	no	
Hornblower,	no		}no	<i>Georgia,</i>	
			Mr. Few,	ay	}*

So the question was lost.

On the question to agree to the resolution reported, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Long,	ay	}*	Mr. Pettit,	ay	}ay
<i>Massachusetts,</i>			Wilson,	ay	
Mr. Gorham,	ay	}no	<i>Maryland,</i>		
King,	no				
Dane,	no				
Sedgwick,	no				
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	ay	}*	Mr. Grayson,	ay	}ay
<i>New York,</i>			Monroe,	ay	
Mr. Haring,	ay	}ay	Lee,	ay	
Smith,	ay				
<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Symmes,	ay	}ay	Mr. Bloodworth,	ay	}ay
Hornblower,	ay				
			<i>Georgia,</i>		
			Mr. Few,	ay	}*

So the question was lost.

On motion of Mr. [Melancton] Smith,

Ordered, That the Secretary for foreign Affairs have leave of Absence for ten days.

NEW YORK, June 19th, 1786.

SIR: In obedience to the order of Congress of the 16th instant directing the Commissioners for Indian affairs to report to Congress such information as they may be possessed of concerning the disposition and conduct of the Indians next adjoining to the settlements of Kentucke towards the Inhabitants thereof &ca., We report:

That from the report of William Clark Messenger, sent to Post S^t Vincient with messages to the Indians on the river Wabash &ca., the report of the Messengers sent to the Miami and other western Indian nations, inviting them to a general treaty ordered to be held at the mouth of the big Miami on the north western bank of the Ohio, to which reports they refer Congress, they being in the hands of their Secretary; from a private letter from M^r Edgar of the Kaskasies to General Clark (No. 1) which we enclose; from a private letter from Moses Henry of Post S^t Vincient to General Clark, which we have seen, expressing his fears of the hostile disposition of the Wabash

and other westerly Indians, and hoping a Treaty would be held with them; from the non-attendance of those Indians at the Treaty, and from the report of the Chiefs of the Wiandots, Delawares, and latterly the Shawanoes, who declare that the Officers, Indian-agents, and Emissaries at the British posts and in the Indian villages uniformly endeavour to keep the Indians at variance with the people of the United States; and from the coroboration of these reports and letters by the deposition of one Doleman and one Sherlock (No. 2) with the information of Cap^t. Abner Dunn (N^o. 3) and the letter of Mess^{rs} Elliot and Rinkin messengers (N^o. 4) we are of opinion that the Wabash and other Indian Nations in that quarter, are more hostilely than peaceably disposed towards the people of the United States and particularly against the settlement of the lower part of Kentucke, and although a partial intercourse has been between a few Traders and people from Kentucke and some of these Indians, it is not, and will not be cordial or safe, untill effectual measures are adopted by Congress to settle the animosities between the people of that Country, and the Indians mentioned in consequence of the late, long and cruel war.

That for want of a Treaty being held, at a place where it would have been practicable to have collected these western nations and of leading a respectable military force into the Indian country which would have awed the Indians and expelled the British Emissaries from their Towns, the wound is still left open, and these people with this baneful influence are left to stimulate them to mischief and it is to be fear'd that unless Congress interfere, mutual and repeated ill offices will continue between the parties and be the means of spreading war to the Nations already at peace with the United States and thereby of involving not only these to a much distressed settlements but the whole frontier in its dreadful effects.

That animosities have subsisted and mischiefs have been done between the Wabash Indians and licentious people of that Country, owing to the circumstances and influence above mentioned, is well known and that the ill-disposed on both sides, by mutual ill-offices, such as stealing each other's Horses, and committing partial murders, do great injury to the peace and welfare of the orderly People of that Country, is beyond a doubt, and the cruelty of the Indians in consequence thereof, has been sadly experienced by the Innocent inhabitants, instead of those who merited it.

That the misfortunes which have fallen on the Settlers of the upper part of the district of Kentucke in the opinion of the Commissioners is not in consequence of any hostile intentions or disposition in the breasts of the nations treated with but of a banditti composed of a few Cherokees and others, who live by themselves on a branch of the Scioto, called Paint creek, and do not exceed seventy or eighty persons fit to bear arms, and who may be easily extirpated, which measure would not only give peace to that part of the settlement, but be satisfactory to the Indian nations treated with.

From an early knowledge of the above stated facts, and a consciousness of the necessity of measures being taken to remove these animosities and settle matters between the United States and the hostile tribes, the Commissioners were induced to come to the enclosed resolutions.

In stating the above report Your Commissioners hope they have given the information required and set the situation of the Frontier in a clear point of view, so as to be clearly understood and satisfactory to Congress.

We have the honor to be etc.

RICH^d BUTLER.

SAM^l H. PARSONS.¹

¹ This report is in the *Papers of the Continental Congress*, No. 56, folio 283. According to indorsement it was read June 21 and referred to Mr. [James] Wilson, Mr. [Rufus] King and Mr. [James] Monroe. The enclosures are on folios 287-297.

JUNE 21: The "Petition of Will. W. Morris respect^g the renewal of final settlement^t certificates lost and destroyed" was referred to the Board of Treasury to report and report rendered August 8. The petition, dated, June 20, is in No. 42, V, folio 383.

The "Petition of John Stevens, a hostage left in Canada for pay and depreciation of pay which Connecticut has refused to grant him" was referred to the Commissioner of Army Accounts to report. Report was rendered June 27. The petition, dated June 19, is in No. 42, VII, folio 324.

Committee Book No. 190.

Also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, of June 19, forwarding a letter from John Temple informing that British Mediterranean passports are being counterfeited in Philadelphia. See *post*, June 27. Jay's letter is in No. 80, II, folio 381. Temple's, dated June 7 is in No. 92, folio 561.

THURSDAY, JUNE 22, 1786.

Congress assembled. Present, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; and from New Hampshire, Mr. [Pierse] Long; from Rhode Island, Mr. [James] Manning, and from Georgia, Mr. [William] Few.

Mr. Daniel Huger, a delegate for South Carolina, attended, and produced credentials, by which it appears, that he is appointed a delegate to represent that state until the first day of February, 1787.

STATE OF SOUTH CAROLINA:

By His Excellency William Moultrie, Esquire, Governor and Commander in Chief in and over the State aforesaid.

To the Honorable DANIEL HUGER, Esquire, Greeting:

Know ye that by Virtue of the Power and Authority in me Vested by the Legislature of this State I have Commissioned, Constituted, and Appointed, And by These Presents do Commission, Constitute, and Appoint You, the said Daniel Huger, to be a Delegate to represent this State in the Congress of the United States of America.

This Commission to continue and be in force, until the twenty-first day of February which will be in the year of our Lord one thousand Seven hundred and eighty-Seven.

Given under my hand and the Great Seal of the State in the City of Charleston this twenty-first day of February in the year of our Lord one thousand Seven hundred and eighty-six and of the Sovereignty and Independence of the United States of America the Tenth.

WILL^M MOULTRIE.¹

[GREAT SEAL PENDANT]

By His Excellency's Command:

JOHN VANDER HORST,

Secretary.

¹ The original of this credential is in the *Papers of the Continental Congress, South Carolina, Credentials*. According to indorsement it was read June 22. It is entered in *Record of Credentials*, No. 179, but not in the Journal.

On Motion of Mr. [Charles] Pinckney, seconded by Mr. [Edward] Carrington,

Resolved, That the Secretary at war direct the commanding officer of the troops, to detach two companies to the rapids of the Ohio, to protect the inhabitants from the incursions and depredations of the Indians.

On the question to agree to this resolution, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Long,	ay	}*	Mr. Henry,	ay	}ay
<i>Massachusetts,</i>			Hindman,	ay	
Mr. Gorham,	ay	}no	Harrison,	ay	
King,	no		<i>Virginia,</i>		
Dane,	no		Mr. Grayson,	ay	}ay
Sedgwick,	no		Monroe,	ay	
<i>Rhode Island,</i>		Lee,	ay		
Mr. Manning,	ay	}*	Carrington,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Haring,	ay	}ay	Mr. Bloodworth,	ay	}ay
Smith,	ay		White,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	ay	}ay	Mr. Pinckney,	ay	}ay
Hornblower,	ay		Huger,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	ay	}ay	Mr. Few,	ay	}*
Wilson,	ay				

So it was resolved in the Affirmative.

[Motion of Mr. Grayson]

Ordered that the Secretary for foreign affairs be directed to transmit to the Executives of ye States, abstracts of the numbers, names and owners of negroes carried away by ye British in contravention to

ye late treaty of peace, and which were the property of ye Citizens of such States respectively.¹

MONDAY, JUNE 26, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Pennsylvania, Mr. [John Bubenheim] Bayard.

Mr. Nathaniel Ramsay, a delegate for Maryland, attended, and took his seat in Congress.²

According to Order, Congress was resolved into a committee of the whole, to take into consideration the state of public affairs. The hon^{ble} Mr. [Samuel] Livermore was elected to the chair.

After some time, the president resumed the chair, and Mr. [Samuel] Livermore reported, that the committee have had under consideration the subject referred to them, but not having come to a conclusion, desire leave to sit again.

Ordered, That the committee sit again to Morrow.

¹ This motion, in the writing of William Grayson, is in the *Papers of the Continental Congress*, No. 36, III, folio 263. According to indorsement it made June 22 and "Referred to the Secretary for foreign Affairs to take Order." The motion and order thereon were also entered, by Thomson, in Committee Book No. 190 which notes "July 3 a letter from the Sec^y on this subject."

JUNE 22: The following committee was appointed: Mr. [William] Harrison, Mr. [John Cleves] Symmes and Mr. [William] Grayson, on a "Memorial of Jacob Rubsamen the settlement of his Acc^t" Report was rendered July 12.

Committee Book No. 190.

Also, on June 22, according to indorsement, was read the report of the committee of November 30, 1785, on the memorial of Lt. Col. Moses Rawlings. It is in No. 19, V, 231, in the writing of Charles Pinckney and was adopted practically verbatim June 30, where it is spread on the Journals.

² For credentials see *ante*, January 17, 1786.

JUNE 26: On this day Mr. [Samuel] Livermore was added to the committee of June 21, on the report of the Indian Commissioners, in place of Mr. [James] Wilson.

Committee Book No. 190.

Also, according to indorsement, was read a petition from Captain Duncan Campbell, praying the settlement of his accounts. It is dated June 14 and is in No. 42, II, folio 261. See *post*, June 28.

TUESDAY, JUNE 27, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia.

On a report of the Secretary at War,

Resolved, That the resignation of lieutenant Michael Connolly be accepted.

A letter, of the 26, from J. Pierce, Commissioner for settling the Army Accounts, having been read, with sundry letters relative to claims of J. Sullivan, late an Officer in the cavalry of the United States,

Resolved, That Congress approve of the conduct of the pay-master general, in refusing the application of John Sullivan, for pay and commutation, the said John Sullivan having withdrawn himself from the United States without leave obtained before the conclusion of the War.¹

On motion of the delegates of New Hampshire,

Congress proceeded to the Election of a Surveyor for the state of New Hampshire, in the room of Edward Dowse, who has resigned; and the ballots being taken, Mr. Winthrop Sergeant was elected.

On the report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson, and Mr. [William] Hindman, to whom were referred several memorials and petitions from persons claiming vessels in the courts of Admiralty in some

Also, letters of June 12 and June 17 from Governor Samuel Huntington, of Connecticut, were read, acknowledging sundry communications from Congress. They are in No. 66, II, folios 316 and 328.

Also, was read, a letter from the Secretary at War, dated June 26, enclosing his correspondence with Lieutenant Michael Connolly on the subject of his resignation. It is in No. 150, I, folio 391, with the enclosures. See *post*.

¹ JUNE 27: Also, was read, a letter of June 26 from the Commissioner for settling army accounts, respecting the claim of John Sullivan, late an officer in the Pennsylvania line. It is in No. 62, folio 135.

of the States, praying for hearings and re-hearings before the court of Appeals.

Resolved, That the judges of the court of Appeals be, and hereby are authorised and directed, in every cause which has been or may be brought before them, to sustain appeals and grant rehearings, or new trials of the same, wherever justice and right may, in their opinion, require it; provided that an order for a rehearing or new trial, shall in no instance suspend the execution of the first sentence, if the party in whose favour it may have been, shall give satisfactory security for the payment of such costs and damages as the court, on rehearing the cause and reversing the decree, may think proper to award; and that the said judges be entitled, each, to ten dollars per day during the time they shall attend the sitting of the said courts, and including the time they shall be necessarily employed in travelling to and from the same:

Resolved, That the said court assemble at the city of New-York, on the first Monday of November next, for the despatch of such business as may then and there be before them; and that the Secretary of Congress take order for publishing these resolutions for the information of all persons concerned.

The Commissioner for Settling the accounts of the late Army to whom was referred the petition of John Stevens begs leave to report:

That M^r John Stevens was appointed a Captain in a Connecticut Regiment in the Service of the united States on the 19th day of January, 1776.

That he was made a prisoner by the British troops at the Cedars in Canada on the 20th day of May in the same year.

That he was one of four Captains, left as hostages, for the performance of the articles of the Cartel settled on the 27th day of May, 1776, between the commander of the American army in Canada and Captain Forster of the British Troops.

That it appears from the Copy of a Certificate given by the British Commissary of prisoners, that these hostages were not considered by the British as released until the 11th day of February, 1782, when an exchange took place in lieu of the One of May, 1776.

That Captain John Stevens has not received any Settlement of his accounts in any of the Offices of the United States.

That he did in may last apply by memorial to the Legislature of the state of Connecticut, for the Settlement of his accounts for pay and depreciation agreeably to the Recommendation of Congress in their act of the 25th day of May, 1781, which memorial was negatived by the Said Legislature.

Whereupon your Commissioner begs leave to submit the propriety and Justice of referring the claims of Cap. Stevens for pay and depreciation to one of the offices of the United States instead of the reference made in the act of May 25th, 1781, to the state in whose line he served at the time of his becoming an hostage.

All which is humbly Submitted.

JN^o PIERCE.¹

Office of Army Accounts,
New York, June 26, 1786.

OFFICE OF SECRETARY OF CONGRESS,
June 27, 1786.

On the memorial of Chevallie stating that he is possessed of a bill of exchange drawn by gen^l Lincoln in Charleston March 16, 1780, for 130,800 continental dollars on his Ex^y S. Huntington then president of Congress and praying Congress to take into consideration the distressful situation of his father and order the amount of the above mentioned bill with interest thereon to be paid him.

passed 28 June The Secretary of Congress reports That the memorial of Chevallie jun be referred to the board of treasury.²

¹ This report is in No. 62, folio 141. According to indorsement it was read June 27, 1786, and acted on August 7.

Also, on this day, according to *Committee Book No. 190*, a "Petition of Lewis Marnay stating his loss of Vouchers &c." was referred to the Board of Treasury.

Also, according to the Journal, June 28, the report on the memorial of Dr. Robert Johnson was this day, on motion, referred to the Commissioner for settling the Accounts of the Hospital Department.

² This report is entered in *Reports of the Secretary of Congress*, No. 180. This entry seems an inadvertence by Thomson. See *ante*, 1785, September 22.

OFFICE OF SECRETARY OF CONGRESS,

June 27, 1786.

The Secretary reports That the petition of Capt. Duncan Campbell touching his expences in raising men and furnishing them with Arms blankets shoes &c. and the settlement of his Accounts be referred to the Com^r of Army Accounts to report.¹

passed 28 June

On the letter of 24 from J. Pierce Com^r of Army Acco^{ts} accompanied with an extract from the public books of the monies unaccounted for by Col. Jos. Wood, stating that the said J. W. and many others who left the service before the Conclusion of the War have been called upon and have delayed or refused to account for monies put into their hands; and that he cannot find that any person has a power of compelling such persons to account.

The Secretary of Congress reports that by the resolution of the 7 feb^r, 1781, it is made the duty of the Superintendent of finance "to compel the payment of all monies due to the United States and in his Official character or in such manner as the laws of the respective states shall direct to prosecute in behalf of the United States for all delinquencies respecting the public revenue and expenditures." And by the Ordinance for putting the department of finance into Commission passed the 8 May, 1784, it is ordained "that the said Commissioners or any two or them shall have authority to exercise all the powers vested in the Superintendent of finance by the Act of Congress of the 7 day of feb^r, 1781, or by any subsequent Acts" therefore.

The Secretary of Congress reports:

That the letter of 24 from J. Pierce Com^r for settling the Army Accounts together with the extract of monies unaccounted for by col. J. Wood be referred to the board of treasury.²

passed June 28.

On the memorial of J. Sparhawk claiming for rent of a house occupied by continental soldiers and for damages done to the house by said soldiers

The Secretary of Congress reports that with regard to the damages the Act of the 3^d June, 1784, refers it to the several states "*at their own*

¹ This report is in the *Reports of the Secretary of Congress*, No. 180. A report was rendered September 1 and read in Congress September 4.

² This report is in *Reports of the Secretary of Congress* No. 180.

expence" to grant such relief to their citizens as they may think requisite. The Secretary is therefore of Opinion,

That J. Sparhawk have leave to withdraw his memorial and that he be informed his application is to be made to the State of which he is a citizen agreeably to the act of 3 June, 1784.¹

BOARD OF TREASURY,
June 22^d, 1786.

SIR: We do ourselves the honor of Submitting through your Excellency, to the consideration of Congress the Report of this Board on the Requisition of the present Year. From this Congress will observe, that the sum of 2,170,337 Dollars is necessary to be raised by this Requisition in actual Specie, out of which, no less a sum than 1,724,426 Dollars are due on the Foreign Debt.

If it be asked what expectations there are that the several States will raise by the ordinary mode of Requisition, the Sums required by the proposed Report, the Answer obviously is, That no reasonable hope of this nature can possibly exist. For exclusive of the Sum last mentioned, almost the whole of the Specie required by the Requisition of the 27th September last, which amounted to One Million of Dollars, is still unpaid; though the period of payment was fixed for the First of May last; together with a Specie Balance due on the Requisition of the 27th April, 1784, of about One Million of Dollars; so that the actual Sum which ought to be paid by the several States, into the Public Treasury before the First of January next, is at least 3,700,000 Dollars. In examining the measures which have been adopted by the several States for carrying into execution the last Requisition, We find that

New Hampshire, did on the 20th February last pass an Act for raising and paying into the General Treasury on or before the first day of May next, the Sum of 35,000 Dollars, being the Specie proportion of that State's Quota on the Requisition of the 27th September last; but no provision is made by ye said Law for furnishing her proportion of Indents of Interest.

That Massachusetts, did on the 23^d March, 1786, pass an Act for complying with the Requisition of Congress of the 27th September last, excepting that the proportion to be paid in Specie is not required to be paid into the General Treasury before the first day of January, 1787.

¹ This report is in *Reports of the Secretare of Congress, No. 180.*

That Rhode Island, did in the Month of October last, pass an Act in compliance with the Requisition of the 27th September last.

That Connecticut has not to the knowledge of this Board passed any Act in compliance with the said Requisition.

That New York has by their Act of the 20th April, 1786, directed their Treasurer to pay into the General Treasury on or before the first of May next, the sum of 85,495 Dollars, being their Specie proportion of the last Requisition, and the Balance of One hundred and seventy thousand nine hundred and ninety Dollars 60/90^{ths} in Indents of Interest, on or before the first of January next, but it does not appear by ye said Act, that any funds are specified or Tax laid for producing the Sums above-mentioned. That the State of New Jersey, has not passed any Act in pursuance of the Requisition of the 27th September last.

That the State of Pennsylvania, has by their Act of the 8th March, 1786, directed their Treasurer to pay to the order of the United States such a Sum in Specie, as together with the Sums paid on account of the Requisitions of the 27th and 28th April, 1784, and 27th September, 1785, would make the Sum of 557,091 Dollars in Specie, and the farther sum of 593,684 Dollars in Receipts or Certificates of Interest. But it is to be observed—That the Sum directed to be paid by Discounts in Interest is 86,657 Dollars more than the State has a right to avail itself of on the Requisitions of the 4th September, 1782, 27th April, 1784, and 27th September, 1785; and that the amount directed to be paid is short (by the abovementioned Overplus in Indents of Interest) of the actual sum in Specie required of that State, by the Requisitions of the 27th & 28th April, 1784, and 27th September, 1785.

That the State of Delaware has not to the knowledge of this Board, passed any Act in pursuance of the last Requisition.

That the State of Maryland, did at their last Sessions pass an Act providing for the payment of the Sum of 94,350 Dollars in Specie (being the proportion of the Specie required of that State by the Requisition of the 27th September last) but it does not appear that any provision has been made by the said State, for the payment of the Indents of Interest required by the said Requisition.

That the State of Virginia did on the 21st of January last, pass an Act in full compliance with the last Requisition.

That the State of North Carolina, has not to the knowledge of this Board, passed any Act in compliance with the Requisition of the 27th

September last. By an extract of an Act of the Legislature of the said State, passed on the 29th December last, and transmitted to this Board by His Excellency Governor Caswell it appears, that the said State has directed 1,400 Hogsheads of Tobacco to be purchased in the present Year; the proceeds of which are to be paid into the General Treasury on account of that State's Quota of the Debts of the United States; but it is not expressed by the said Act for what Requisition this provision is intended.

The Monies arising from the Sale of this Tobacco and paid into the General Treasury, will of course, be passed to the Credit of the State of North Carolina on the Requisition of the 27th and 28th April, 1784; on which no payment appears to have been made.

That the State of South Carolina, has credit in the Treasury Books for the Sum of 415,514 Dollars, which exceeds by 35,916 Dollars, the Sums required of that State to complete her Quota of the Requisitions of the 27th and 28th April, 1784, and 27th of September, 1785.

That the State of Georgia, did on the 13th February last pass an Act directing their Treasurer to pay into the General Treasury, the Quota's assigned to that State by the Resolves of the 4th September, 1782, 27th and 28th April, 1784, and 27th September, 1785; but as the said Laws refer to a Revenue Act (of which a Copy has not been transmitted) the Board cannot determine how far the compliance of the said State will be operative.

From the above Statement it appears that seven States, namely New Hampshire, Massachusetts, Rhode Island, New York, Maryland, Virginia, and Georgia, have passed Acts directing the payment of the full Sums in Specie required by the Act of Congress of the 27th September, 1785; for although the State of Pennsylvania has by their Act above mentioned, directed a certain Sum in Specie to be paid into the General Treasury, on account of the Requisitions for the years 1784 and 1785, the Sum specified in the Act for this purpose, falls short by 86,657 Dollars (as has been before observed) of the Sum necessary to complete the Requisition of the 27th September last.

That six States, namely, Massachusetts, Rhode Island, New York, Virginia, and Georgia have directed the whole payment of the Sum called for by the last Requisition.

That four States, namely, Connecticut, New Jersey, Delaware, and North Carolina have passed no Acts (so far as the information of this Board extends) in compliance with the same.

That from the State of South Carolina (though she is Quota'd in the last Requisition) from the Facts stated in the former part of this Letter, no payment can be expected.

As to the efficacy of the Funds which the different States rely on for enabling them to furnish their respective Quotas, it is impossible for this Board to form an adequate Judgement.

In the Act of the State of New Hampshire, the Specie directed to be raised is to be assessed and levied on the Polls and Rateable Estates within that State, agreeably to the last proportion of Taxes for the several Towns and places, but as this Board are not in possession of the Law referred to, so as to ascertain at what rate the Polls and real property are rated, and whether those Funds are burthened with any other engagements, it is impossible to determine, what can be expected from the provision made by the Act of that State. If the Fund are the same as have been relied on for the paying of that State's Quota of the Requisition of the 27th and 28th April, 1784, experience demonstrates that no dependence can be placed on their efficacy: For by the Abstract N^o 1, herewith transmitted, it appears that the State of New Hampshire owes on the Requisition of 1784 the sum of 179,119 $\frac{8}{90}$ th Dollars.

By the Act of the State of Massachusetts, it appears that they have Assessed on the different Counties of that State the sum of £300,439 : 1 : 3 Lawful Money of that State, out of which the sum of £145,665 equal to 485,550 Dollars (the Specie Quota of that State) is to be paid into the General Treasury, on or before the 1st day of January next.

For the support of the Civil Government, is to be deducted from the whole sum, £25,784 : 1 : 3.

For the payment of the Interest on their State Debt, £29,000.

For Redeeming Army Notes payable 1784, 1785, and 1786, £100,000.

For replacing Sums drawn out of the Treasury for the Support of the Members of Assembly, £1,101 : 18.

It does not appear by this Act, that any preference in payment is to be given to the Requisition of Congress, and of course, as more than one Moiety of the whole Sum proposed to be raised is for State purposes, in which the Support of the Government and the particular Interest of their citizens is concerned, it may be inferred (from the general Conduct of the several States) that the first Monies Collected under the Act, will be appropriated for the Objects last mentioned.

Of course the Specie payments of the Requisition of Congress will be procrastinated, and any deficiency in the General Tax, will fall on that Sum which is appropriated for Federal purposes.

From the State of Rhode Island, no payment in Specie can be expected on the Requisition of the 27th September last. The whole amount of the Specie Quota on this Act, is 25,545 Dollars, Against which they are authorised by the Resolve of Congress of the 16th February, 1785, to set off the Balances due to the Contractors for Ox Teams in the Service of the United States for the year 1781; and (in common with other States) the amount of their liquidated payments to Invalids, in pursuance of the Ordinance of Congress of the 7th June, 1785, which payments will in all probability absorb the Specie Sum on the last Assessment.

Connecticut having past no Act in compliance with the last Requisition, nothing can be expected from her.

By the Act of the State of New York, though the Treasurer of the State is directed to pay in the full proportion of that State's Quota on the last Requisition, at the periods therein specified; no Funds appear by the said Law to be provided for effecting this Object. By a Law Enacted in the last Sessions of the Legislature of that State, a Paper Currency is made receivable in all Taxes whatsoever from the first of May last. From this circumstance and the Correspondence which has past on this subject, betwixt this Board and the Treasurer of the State (Copies of which are herewith transmitted) little dependance can be placed in receiving in the course of the present Year, the full Specie proportion of the Quota of that State.

Jersey being in the same situation with Connecticut, nothing can be expected from that State.

From Pennsylvania, no further payments in Specie can be expected on account of the last Requisition, 'till a difference betwixt a Statement made by the Comptroller of that State and the Treasury of the United States, of Payments made on former Requisitions is decided on the principles of the Statement last mentioned. A Copy of the Comptrollers Statement N^o 2, and the Remarks on it of this Board N^o 3 will explain the reason of difference in the two Statements.

From Delaware nothing is to be expected for the reasons which have been applied to Connecticut, and New Jersey.

From Maryland as the Funds set apart for paying the Specie Quota of the last Requisition appear more definite and substantial, than the provision made by the Acts we have before observed on, there is reason to suppose they will be more productive though from the difficulties suggested by the Commissioner of the Loan Office of that State in his Correspondence with this Board, on the payment of the Balance due on the Requisition for the Year 1784, there is no reason to presume, that she will Pay in the present Year the proportion of Specie required of her by the last Requisition.

From Virginia, though the Act directs the payment of her full Specie proportion, yet the Revenue Laws referred to in the said Act do not shew what Monies may be relied on from them. But from the best information we can obtain of the productiveness of the Funds specified by their Acts, we have no reason to suppose that the Sum in Specie to be expected from Virginia on the present requisition will be more than half her Specie proportion.

From North Carolina, nothing is to be expected on the present Requisition, no Act having been passed in pursuance of it.

From South Carolina, no payment will be made into the General Treasury, for the reasons before stated.

From Georgia, the nature of their Funds not being known to this Board, no opinion can be formed of what may be expected from the operation of their Act. We have reason however to fear that no payment will be made by that State in the present Year; To the remarks naturally resulting from the above Statement we may venture to add one general reflection, which is applicable to the Union at large, "That the effect of the present Requisition is best to be judged of from an experience of the past."

With the requisition of 1784 every State in the Union complied, except North Carolina and Georgia. With the present, only eight States in the Union have complied, so far as it respects the Specie payment.

During the Collection of the Taxes under the requisition for the Year 1784, the revival of a Paper Currency, had few advocates in the several States. At present, the rage for another experiment in this fallacious Medium, has so far prevailed as to enter into the system of Revenue of several States. Judging from the Facts we have stated, we do not conceive it probable that even the Sum of Three

hundred thousand Dollars in Specie, will be paid into the General Treasury in the present Year, if no other resource is adopted, than what can be expected from the line of Requisition.

These circumstances it becomes our duty to state to Congress, that their Wisdom may adopt such measures as shall appear most likely to avert a total ruin of our Credit, and Character as a People with Foreign Nations.

The Sum in Specie which ought to be provided for in less than twelve months as has been observed, is at least Three Million and a half of Dollars (excluding altogether any provision for the Domestic Debt).

The extent of the Sum, which in all probability will arise from the Requisitions, will hardly reach Three hundred thousand Dollars. Such is the Crisis to which the Affairs of the Union are now reduced for want of a General Revenue, established on such principles as might call forth in the most equitable and efficient manner the resources of the several States. This efficient Revenue can only be expected from an immediate Grant of the Five per Cent Impost, and from Taxes Commensurate to the Supplementary Fund, effectually Levied, and sacredly Appropriated to the Federal Treasury.

In considering what Expedients may probably be adopted for making up the deficiency of the Specie Sums which are essentially necessary to Support our Existence in a National Character. Nothing occurs as a probable mode of relief, but a Sale in Europe of part of the Western Territory, which has been ceded to the United States. To attempt new Loans, whilst no Funds are Established for Paying the Interest and Principal of former ones, would in all probability be fruitless; even if it could be done consistently with those Maxims of prudence and Public Integrity, which ought to Characterise the Proceedings of every Nation. What would be the Success of the expedient we have Suggested, cannot be ascertained; but when the disposition to Emigration in Germany, Geneva, and Ireland is taken into consideration, as well as the prospect of Advantage from the rise in Value of the Lands in question, to those who might purchase on Speculation, it appears not unlikely that if a proper plan should be adopted, and the Execution of it committed to a suitable Agent it might meet with Success.

Unless some Aid can be derived from this Quarter, we see not the least prospect of our being able to make good the payment of Interest, which will become due on the Dutch Loans in the ensuing Year. All hope of our being able to succeed in making in season the Payments to France in the Year 1787, is now at an end: but the importance of making every Exertion to fulfil the Contracts we have entered into with the Money Lenders in Holland must be very apparent. In this point of view only, we have taken the liberty to suggest to Congress, the object abovementioned. With respect to the Requisitions for the present Year, which we have Reported to Congress, it becomes necessary for us to Observe That we consider it merely as an expedient to evince the dispositions of Congress to do all the Justice in their power to their Foreign and Domestic Creditors, 'till the States feel the absolute necessity there is of furnishing the United States with adequate means to Support their Rank and Character as a Nation.

The mode of Certifying the Interest on the Domestic Debt is undoubtedly liable to objection; though it may be brought into a more manageable state than it is at present, by reducing the various Evidences of the Debt to one Form, and by calling in annually some part of the Principal. This latter object would we conceive, be compassed with great ease to the several States; and would have a powerful effect in Establishing our Credit with Foreign Nations.

But after all, what we have taken the liberty to suggest, are still Expedients, should they even be Successful.

The more our Reflections are employed on this Subject, the more we are impressed with a Conviction, that nothing but an immediate and general Adoption of the Measures recommended by the Resolves of Congress of the 18th April, 1783, can rescue us from Bankruptcy, or preserve the Union of the several States from Dissolution.

With all due respect etc.¹

His Excellency

The President of Congress.

¹ This letter, transmitting the report on the Requisitions for 1786, is signed by Samuel Osgood, Walter Livingston, and Arthur Lee, and is in No. 139, folio 245. According to indorsement it was read, with the report itself June 27 and Wednesday July 5 assigned. The report and the letter were printed and July 6 referred to a committee. The report was adopted August 2 and spread on the Journal of that day. It is in No. 39, folio 233. The enclosures follow it.

WEDNESDAY, JUNE 28, 1786.

Congress assembled. Present, as yesterday.

The commissioner for settling the Accounts of the hospital, cloathing and marine departments, to whom was referred a memorial of Dr. Robert Johnston, having reported thereon, and the report being amended to read as follows:

That in the adjustment of the Accounts of Robert Johnston, the Commissioner for settling the hospital accounts, &c. be directed to examine strictly into the propriety of all extra expences incurred in executing his duties, and where it shall appear that such expenses were necessarily and unavoidably incurred, and that the subsistence allowed was not adequate thereto, the surplus be allowed. That, as it appears from the deposition of the said Dr. Robert Johnston, that the sum of money and certificates stated in his Memorial, were public Monies stolen from him, without any negligence on his part, and that the balance of money remaining in his hands has not been applied to any use since it came into his possession, the commissioner for settling the accounts of the hospital department, be directed to pass the amount of those sums to his credit, on his returning to the Commissioner the said balance and a list of the certificates so stolen.

And the said report, thus amended, having been yesterday referred to the said Commissioner to take order,

A motion was this day made by Mr. [James] Monroe, seconded by Mr. [Rufus] King, to reconsider the resolution passed yesterday for referring the said report to the Commissioner to take Order: And on the question for reconsidering; the yeas and nays being required by Mr. [James] Monroe,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}div.
Long,	ay		Hindman,	no	
<i>Massachusetts,</i>			Harrison,	ay	
Mr. Gorham,	no	}ay	Ramsay,	no	
King,	ay		<i>Virginia,</i>		
Dane,	ay		Mr. Grayson,	no	}div.
Sedgwick,	ay		Monroe,	ay	
<i>New York,</i>		Lee,	no		
Mr. Haring,	ay	}ay	Carrington,	ay	
Smith,	ay		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Bloodworth,	ay	}ay
Mr. Symmes,	ay		White,	ay	
Hornblower,	ay		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Pinckney,	no	}div.
Mr. Pettit,	no	}div.	Huger,	ay	
Bayard,	ay		<i>Georgia,</i>		
			Mr. Houstoun,	ay	}div.
			Few,	no	

So the question was lost.

On Motion of Mr. [Henry] Lee, seconded by Mr. [Pierse] Long,

Resolved, That tuesday next, being the Anniversary of the declaration of Independence, there shall be a public Levee at the President's house, from the hours of twelve to two, to receive the ordinary congratulations, and that the Secretary of Congress take Order for due communication thereof.¹

The committee consisting of M^r [Charles] Pinckney, M^r [James] Monroe and M^r [Rufus] King appointed to form an Ordinance for the compleat arrangement and government of the Indian Department submit the following to the consideration of Congress:

An Ordinance for regulating the Indian Department—

¹ This motion, in the writing of Henry Lee, is in the *Papers of the Continental Congress*, No. 23, folio 299. A letter dated June 29, from Charles Thomson to the Secretary for Foreign Affairs requesting him to inform the foreign ministers of the fact is in No. 55, folio 307.

Whereas the safety and tranquility of the frontiers of the United States do in some measure depend on the maintaining a good correspondence between the Citizens and the several Nations of Indians in amity with them:

Be it Ordained by the United States in Congress assembled that from and after the passing of this Ordinance the Indian department be divided into three districts Viz. the Northern which shall comprehend the Six Nations and all others residing South East of Lake Erie within the limits of United States, from french Creek a branch of the Ohio on the west to the Susquehannah on the South.

The Western or middle department which shall comprehend the Nations within the limits of the United States, Northwest of the Ohio, west to the Mississippi.

The Southern which shall include all the Nations South of the Ohio within the limits of the United States to the Mississippi also.

That a Superintendant be appointed for each of the said districts who shall reside on the frontier, and as near the district for which he shall be so appointed as may be convenient to the management of its concerns.

That it be their duty to superintend the political conduct of the Nations over whom they are placed, to make themselves acquainted with their most secret Councils, to counteract & prevent as far as they can, all measures which they may attempt to the prejudice or annoyance of the inhabitants of the frontiers; to discourage all combinations of Indians, and persuade the several tribes to keep and act as much independent of each other as possible; to promote hunting and discourage war and if war should be Necessary at any time or unavoidable to give it such direction as to keep it at a distance from the Citizens of the United States, and employed against proper objects—to advise the tribes to the establishment of some kind of order or police, and to punish among themselves all such as disturb and injure the Citizens of the United States. To ingratiate themselves with the Chiefs, and people generally so as to obtain their confidence and respect.

They shall superintend such regulations as Congress shall from time to time establish respecting the Indian trade. They shall have Authority to place deputies among the several tribes and to remove all or either of them for misbehavior. To grant licenses to the traders, to regulate the advance on Articles of the first Necessity such as

powder, lead, shrouds, blankets, coarse cloathing and tools for husbandry, and to prohibit in times of Scarcity of provisions the sale or use of all spirituous liquors.

All communications respecting the said departments shall in the first instance be made to the said Superintendants and in case of murder, robbery or any Capital crime being committed by an Indian or Indians, and on a demand being made to the tribe to which he or they may belong they shall refuse to surrender him or them to justice, on such refusal the superintendant of the district, shall and he is hereby empowered to require the Officer in command at the nearest post of the United States to detach such troops under proper Officers from the nearest garrison or Garrisons as may be necessary to seize the person or persons of the agressors or to punish the offenders or offending tribe in case of resistance.

There shall be regular communications of all matters relative to the business of the Indian departments kept up between the said superintendants, and from each to Congress, or such Officer as Congress may direct them to communicate to. All stores, provisions or other property which Congress may think necessary for the support of or for presents to the Indians, shall be in the custody and under the care of the said Superintendants who shall be obliged to render an annual account of the expenditures of the same; and the said superintendant shall once in every visit the Nations over whom they may respectively have charge;

And be it further ordained that none but Citizens of the United States shall be suffered to reside among the Indian Nations, or be allowed to trade with any nation of Indians within the territory of the United States.

That no person, Citizen or other shall reside among or trade with any Indian or Indian Nation within the Territory of the United States without a licence for that purpose first obtained from the superintendant of the district under the penalty of for which licence he shall pay the sum of dollars to the said Superintendant for the use of the United States,

That no licence to trade with the Indians shall be granted to any but Citizens of the United States or shall permits or passports be granted to any other persons than Citizens of the United States to travel through the Indian Nations, without their having previously made their business known to the superintendant of the district and received his special approbation.

That previous to any person or persons obtaining a licence to trade as aforesaid he shall give bond and Security to the superintendant of the district for the use of the United States for his or their strict adherence to and observance of such rules and regulations as Congress may from time to time establish for the government of the Indian trade.

That no person or persons shall open goods for sale or dispose of goods to any Indian or in any Indian Village or hunting Camp or other place than the post or place than the post or place mentioned in his or their licence except to purchase provision, provender for horses, or to obtain such other Assistance as may be necessary in passing to or from the place or places assigned for him or them to trade at.

That no trader or other person for him shall give or sell Spiritous Liquor to any Indian or Indians at any Garrison or post of trade, in such quantity as to intoxicate them while there, nor shall any trader or person for him deliver liquor purchased by an Indian within miles of a Garrison or post of trade.

Any trader or other person employed by a trader, treating an Indian in an unjust manner shall on due proof thereof being made before the superintendant be deprived of his licence or fined by the judgement of the said Superintendant according to the nature of his Offence in any sum not exceeding not dollars. All sums to be received by the said superintendants either for licences or fines, shall be annually accounted for by them and they shall each of them be entitled to receive dollars per annum salary in full of their services and be obliged to give bond with security to the Commissioner of the Treasury in trust for the United States in the sum of for the faithful discharge of the duties of their Office.

All traders, assistants and labourers by them employed shall give information to the Commanding Officer of the nearest post or to of any appearance which may come to his or their knowledge, of war, or of any injury intended to the Citizens of the United States, also of any person trading or passing through the Indian Country with or without a pass or permit who may be found tampering with the Indians or advising them to any Act or measure prejudicial to the Interest of the United States, and in case of a rupture with the Indians, or intended attack on any of the Garrisons or posts of trade, all traders, assistants, or their labourers shall be obliged to perform Military duty in defence of said Garrison or posts until relieved, for which service the United States shall furnish them with rations of

provisions in the same proportion as the Troops of the United States, and pay in the grade or Character of service which they perform for the full time they may be necessarily engaged.

And be it further Ordained that all Officers civil and Military acting under the authority of the United States are hereby required to be aiding and assisting in the execution of this Ordinance which shall in all Courts instituted under the authority aforesaid be taken and allowed as a public Act, and all Judges and Justices shall take Notice of it without special pleading.

And it is hereby recommended to the several States of North Carolina, South Carolina and Georgia to pass Legislative Acts in conformity therewith and for the trial and punishment of any person or persons who may be found Violating the same in the Southern district, the superintendant for which shall from time to time correspond with the executives of the said States touching the business of his Department.¹

THURSDAY, JUNE 29, 1786.

Congress assembled. Present as yesterday; and from Rhode Island, Mr. [James] Manning.

The Committee, consisting of Mr. [William] Grayson, Mr. [Nathan] Dane and Mr. [James] Monroe, to whom was re-

¹ This report, in the writing of Henry Remsen, Jr., is in the *Papers of the Continental Congress*, No. 56, folio 469. According to indorsement it was read June 28 and "Thursday July 6th assigned; Read 2^d time 24 July, 1786; Wednesday next assigned for 3^d reading." It was printed for consideration after June 28. Copies are on folios 483 and 487. Various amendments offered, mostly in the writing of Charles Pinckney, are on folios 468, 477, 479, 481. See *post*, July 24.

JUNE 28: The memorial of Chevallie and the letter of June 24 from John Pierce, were referred to the Board of Treasury. See *ante*, June 27.

The petition of Duncan Campbell was referred to the Commissioner of Army Accounts to report. He reported September 4. See *ante*, June 27.

"A Memorial of maj. genl Putnam to be allowed for money he advanced to the Officers of Georgia battalion and for his pay and rations from Jan^y to 1 Aug. 1780" was referred to the Commissioner of Army Accounts to report and reported on May 2, 1787. The memorial, dated June 10, is in No. 41, VIII, folio 212. According to indorsement it was acted on October 1, 1787.

"Meml of William Stuart and Palmer Cady late officers of Hazen's regiment to be settled with as captains" was referred to the Commissioner of Army Accounts to report and reported on October 5. The memorial, dated June 26, is in No. 41, IX, folio 387.

ferred a letter of 16 May, from the governor of Virginia, having reported:

That it appears to the committee, that the Indian tribes therein referred to, were invited to the treaty which was held at the mouth of the Great Miami by the commissioners of the United States, but failed either to attend thereat, or to take any notice of the messages sent them for that purpose: That they have since that time attacked the frontiers of the state of Virginia, and are frequently committing murders and depredations on the inhabitants of the said state: That as the attempt for preserving peace by treaties alone has in this instance been unsuccessful, and is not likely on any future occasion, with respect to these Indians, to have a more prosperous issue, the Committee are of opinion, that the only alternative left, is for the United States to send a respectable force into their country, and at the same time authorize the commanding Officer of such expedition, either to treat with the said Indians, or make war on them, as circumstances may require. That this mode of proceeding will not only give peace to the citizens of Virginia, who are intitled by the Confederation to the protection of the United States, but will render the federal authority respectable in those countries, and be the means of preventing other tribes from disturbing the frontiers of the different states in this Union; therefore *Resolved*, That the commanding Officer, with the two companies of the troops now in the pay of the United States, ordered to the rapids of the Ohio on the 22 instant do, without delay, march into the country of the different tribes of Indians, either on the Wabash, or elsewhere, who are now at war with the citizens of these United States, for the purpose of treating with the said Indians, or of making war on them, as circumstances may require. That the said commanding Officer be authorised, to apply to the executive of the state of Virginia for such a number of militia, from the district of Kentucky, not exceeding one thousand, and such supplies of provision as he may, from circumstances, judge necessary, and who are hereby requested to furnish the same, deducting the amount thereof from the specie proportion of the requisition of the year 1786. That the said Commanding officer, give peace to the said Indians, on no other terms than that of their making satisfaction, as far as lies in their power, for any damages already done, and of

delivering up a sufficient number of hostages as a security for the time to come.¹

This report being under debate, a Motion was made by Mr. [Charles] Pettit, seconded by Mr. [Theodore] Sedgwick, that the farther consideration of the report be postponed, in order to take up the following proposition:

Whereas information has been received, that small parties of Indians have crossed the river Ohio, near the falls thereof, and committed depredations in the district of Kentucky, in consequence whereof, on the 22 instant Congress ordered a detachment of two companies of the federal troops, to take post at the falls of the Ohio, to aid the militia of the frontiers in the protection of the inhabitants; but Congress are not possessed of sufficient evidence of the aggression or hostile disposition of any tribe or tribes of Indians, towards the United States, or any of them, to justify them in carrying war into the indian country. For the prevention of future incursions, *Resolved*, That Congress will, without delay, proceed in the organization of the Indian department, and adopt such other measures, as shall effectually secure peace to the Indians and safety to the citizens inhabiting the frontiers of the United States.²

¹ See *ante*, June 6.

² This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 269.

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>South Carolina,</i>			
Mr. Livermore,	no	} div.	Mr. Pinckney,	no	} no	
Long,	ay		Huger,	no		
<i>Massachusetts,</i>			<i>Pennsylvania,</i>			
Mr. Gorham,	ay	} ay	Mr. Pettit,	ay	} ay	
King,	ay		Bayard,	ay		
Dane,	no		<i>Maryland,</i>			
Sedgwick,	ay		Mr. Henry,	ay	} no	
<i>Rhode Island,</i>		Hindman,	no			
Mr. Manning,	ay	Harrison,	no			
<i>New York,</i>			Ramsay,	no		
Mr. Haring,	ay	} ay	<i>Virginia,</i>			
Smith,	ay		Mr. Grayson,	no	} no	
<i>New Jersey,</i>		Monroe,	no			
Mr. Symmes,	no	Lee,	no			
Hornblower,	ay	Carrington,	no			
<i>North Carolina,</i>			<i>Georgia,</i>			
Mr. Bloodworth,	no	} no	Mr. Houstoun,	no	} no	
White,	no		Few,	no		

So the question was lost.

After further debate, a Motion was made by Mr. [William] Houstoun, seconded by Mr. [Charles] Pettit, that the further consideration of the report be postponed till Wednesday next; and on the question to postpone till Wednesday, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}div.
Long,	ay		Hindman,	no	
<i>Massachusetts,</i>			Harrison,	no	
Mr. Gorham,	no	}div.	Ramsay,	ay	
King,	ay		<i>Virginia,</i>		
Dane,	ay		Mr. Grayson,	no	}no
Sedgwick	no		Monroe,	no	
<i>Rhode Island,</i>		Lee,	no		
Mr. Manning,	ay	Carrington,	no		
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Haring,	ay	}ay	Mr. Bloodworth,	no	}no
Smith,	ay		White,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	ay	}ay	Mr. Pinckney,	no	}no
Hornblower,	ay		Huger,	no	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	ay	}ay	Mr. Houstoun,	ay	}ay
Bayard,	ay		Few,	ay	

So the question was lost.

A motion was then made by Mr. [William] Grayson, seconded by Mr. [James] Monroe, to amend the report, by adding, after the words "therefore resolved that the Commanding Officer," the following, "attended by the commissioners or Superintendent of the Indian department for the time being;" and by striking out, in the latter end of the said sentence, the words "as circumstances may require," and in lieu thereof, inserting "as the said commissioners or superintendant may direct."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}ay
Long,	ay		Hindman,	ay	
<i>Massachusetts,</i>			Harrison,	ay	
Mr. Gorham,	no	}no	Ramsay,	ay	
King,	no		<i>Virginia,</i>		
Sedgwick,	no		Mr. Grayson,	ay	}ay
Dane,	no	Monroe,	ay		
<i>Rhode Island,</i>		Lee,	ay		
Mr. Manning,	ay	Carrington,	ay		
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Haring,	no	}no	Mr. Bloodworth,	ay	}ay
Smith,	no		White,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	ay	}div.	Mr. Pinckney,	ay	}ay
Hornblower,	no		Huger,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	no	}div.	Mr. Houstoun,	ay	}ay
Bayard,	ay		Few,	ay	

So the question was lost.

The report being amended by striking out the word "either" before "Wabash," and the words "or elsewhere" immediately following it,

A motion was made by Mr. [James] Monroe, seconded by Mr. [James] Manning, to amend the report farther by striking out the words "making war on them," and altering the clause so as to read "or repelling their attacks as circumstances may require, so as to secure the frontiers of the said States from further depredations."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [James] Monroe,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}no	Mr. Henry,	ay	}ay
Long,	no		Hindman,	ay	
<i>Massachusetts,</i>			Harrison,	ay	
Mr. Gorham,	no	}no	Ramsay,	ay	
King,	no		<i>Virginia,</i>		
Sedgwick,	no		Mr. Grayson,	ay	}ay
Dane,	no	Monroe,	ay		
<i>Rhode Island,</i>			Lee,	ay	
Mr. Manning,	ay	}*	Carrington,	ay	
<i>New York,</i>				<i>North Carolina,</i>	
Mr. Haring,	no	}no	Mr. Bloodworth,	ay	}ay
Smith,	no		White,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	no	}no	Mr. Pinckney,	ay	}ay
Hornblower,	no		Huger,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	ay	}ay	Mr. Houstoun,	ay	}ay
Bayard,	ay		Few,	ay	

So the question was lost.

On the question to agree to the report of the Committee as amended, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}no	Mr. Henry,	no	}no
Long,	no		Hindman,	no	
<i>Massachusetts,</i>			Harrison,	no	
Mr. Gorham,	no	}no	Ramsay,	no	
King,	no		<i>Virginia,</i>		
Sedgwick,	no		Mr. Grayson,	ay	}ay
Dane,	no	Monroe,	ay		
<i>Rhode Island,</i>		Lee,	ay		
Mr. Manning,	no	*	Carrington,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Haring,	no	}no	Mr. Bloodworth,	ay	}ay
Smith,	no		White,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	no	}no	Mr. Pinckney,	ay	}ay
Hornblower,	no		Huger,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Pettit,	no	}no	Mr. Houstoun, excused at his		
Bayard,	no		request.		
			Few,	ay	*

So the question was lost.¹

FRIDAY, JUNE 30, 1786.

Congress assembled. Present as yesterday.

A motion was made by Mr. [Henry] Lee, seconded by Mr. [James] Monroe,

That the executive of the state of Virginia be informed, that Congress, desirous to give the most ample protection in their power to the citizens of the United States, have directed their commandant on the Ohio, to detach two companies of infantry to the rapids of the

¹ JUNE 29: "his letter of 19 June with Mr Temple's letter respect^s the counterfeiting of Mediterranean passes" was referred back to the Secretary for Foreign Affairs to report, and "Report by letter May 9th, 1787."

Ohio, and request that the executive will give orders to the militia of that district to hold themselves in readiness to unite with the federal troops, in such operations as the Officer commanding the troops of the United States may judge necessary, for the protection of the frontiers, who is hereby authorised and directed, in case of necessity, to apply for the same to an Amount not exceeding one thousand; And that Congress now have under their deliberation the organization of the Indian department, for the purpose of extending to the frontiers regular and certain security against the future designs of the Indians.¹

A motion was made by Mr. [Rufus] King, seconded by Mr. [Pierse] Long, to strike out the words "who is hereby authorised and directed, in case of necessity, to apply for the same to an amount not exceeding one thousand."

And on the question, shall those words stand? the yeas and nays being required by Mr. [James] Monroe,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}no	Mr. Hindman,	ay	}ay
Long,	no		Harrison,	no	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	no	}no	<i>Virginia,</i>		
King,	no		Mr. Grayson,	ay	}ay
Sedgwick,	no		Monroe,	ay	
Dane,	no		Lee,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Manning,	ay	}*	Mr. Bloodworth,	ay	}ay
<i>New York,</i>				White,	
Mr. Haring,	no	}div.	<i>South Carolina,</i>		
Smith,	ay		Mr. Pinckney,	ay	}ay
<i>New Jersey,</i>			Huger,	ay	
Mr. Symmes,	no	}no	<i>Georgia,</i>		
Hornblower,	no		Mr. Houstoun,	ay	}ay
<i>Pennsylvania,</i>			Few,	ay	
Mr. Pettit,	no	}no			
Bayard,	no				

¹ This motion, in the writing of Henry Lee, is in the *Papers of the Continental Congress*, No. 30, folio 117.

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

On the question, *Resolved*, That the executive of the State of Virginia be informed, that Congress, desirous to give the most ample protection in their power to the citizens of the United States, have directed their commandant on the Ohio, to detach two companies of infantry to the rapids of the Ohio, and request that the executive will give orders to the militia of that district, to hold themselves in readiness to unite with the federal troops, in such operations as the officer commanding the troops of the United States may judge necessary, for the protection of the frontiers; and that congress now have under their deliberation the organization of the Indian department, for the purpose of extending to the frontiers regular and certain security against the future designs of the Indians.

On motion of Mr. [Nathan] Dane, seconded by Mr. [Melancton] Smith,

Resolved, That the commissioners of the treasury take the necessary measures for removing immediately, and placing on the lands given by the state of New York, such canadian inhabitants as are now residing in the said state, and who have accepted donations of lands from the same, and who will settle thereon; and that the said commissioners be authorised to contract with some suitable person or persons for that purpose.

Resolved, That the said Commissioners take proper measures for supplying the said Canadians who shall be removed as aforesaid, with fifteen months rations, commencing the first day of June instant at such rates as, in the Opinion of the said Commissioners and the Secretary at War, shall be reasonable and proper; and that the said Commissioners be authorised to contract with some suitable person or persons to furnish the said rations, and to adopt such modes of

negotiating the business, as in their Opinion the present state of the public finances may require.¹

On a report of a committee, consisting of Mr. Williamson, Mr. Lee and Mr. Peters, to whom was referred a memorial of James Elliot, assistant geographer,

Resolved, That in settling the accounts of Mr. James Elliot, assistant geographer to the United States, he be allowed the pay of two dollars a day and one ration, according to the resolution of March the 8th, 1782, in his favour, until the 20th of October, 1783, and no longer.²

[Motion of M^r Symmes]

Resolved, that the Indian Commissioners for the northern and middle department take measures immediately for communicating to the several western Indian tribes with whom they have treated, that the surveyors of the United States are out on the business of surveying the western country, and that agreeably to the stipulations of those tribes, the said Commissioners call on them to meet and assist the said surveyors in the execution of their business.³

The committee, consisting of Mr. [Nathan] Dane, Mr. [Henry] Lee and Mr. [Arthur] St. Clair, to whom was referred a representation of J. Pierce, commissioner of Army Accounts, of the 2 March, 1786, stating, that several Officers of the continental line of the army, who were made prisoners in the years 1776 and 1777, and continued in captivity until the exchanges were made after the month of October, 1780, found themselves on their release, out of service, their corps having been, during their captivity, differently organized,

¹ This motion, in the writing of Nathan Dane, is in the *Papers of the Continental Congress*, No. 22, folio 229.

² This report, which forms a part of the report delivered October 20, 1783, is in No. 19, III, folio 225. It is indorsed: "Elliot agreed to 30 June 1786."

³ This motion, in the writing of John Cleves Symmes, is in the *Papers of the Continental Congress*, No. 36, III, folio 271. According to indorsement it was made June 30 and "Referred to the Com^r for treating with the Indians in Northern and Middle department to take Order."

and their names omitted in the list of Officers; and that the said Officers claim the benefits and emoluments of the resolves of October 3 and 21, 1780, thereby granted to deranged and certain other Officers, having reported:

¹ That they have carefully examined, considered and compared the several resolves of Congress relative to this subject, of January 19, May 15, and November 24, 1778; May 22, 1779; October 3 and 21, and November 28, 1780; January 1, May 25, and December 31, 1781; January 26, and February 11, 1784; and March 8, 1785; and are of opinion, on a true construction of the said resolves, that the benefits and emoluments of those resolves of October 3 and 21, 1780, cannot be extended to Officers in Captivity, exchanged, their names omitted in the list of Officers, and their Corps differently organized as aforesaid; for it appears to have been the uniform intention of Congress to extend these benefits and emoluments to three descriptions only of Officers in the line, within neither of which are the Officers referred to by the Commissioner; to wit, to Officers who should continue in service during the war; to Officers who should be hostages to, and liable to be called for by the enemy; and to Officers deranged by the two arrangements of the Army, in the years 1780 and 1781. But that the said Officers so referred to, are entitled to the one year's pay, granted by the resolve of November 24, 1778, and extended by the resolve of May 22d, 1779.

Resolved, That Congress agree to the said report.²

On a report of a Committee, consisting of Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [John] Lawrence, Mr. [Rufus] King, and Mr. [Pierse] Long, to whom was referred a memorial of Moses Rawlings, late a Lieutenant Colonel in the service of the United States:

Resolved, That Lieutenant Colonel Moses Rawlings, having resigned his Commission in the service of the United States before the conclusion of the late war, cannot be allowed those emoluments promised to the Officers who shall continue in service to the end of the war.

¹ At this point Benjamin Bankson takes up the copying.

² See *ante*, March 6 and 10. A copy of the report, in the writing of Henry Remsen, Jr., is in No. 59, II, folio 311.

On a report of the Board of Treasury, to whom was referred a memorial of John Thaxter,

Resolved, That there be allowed to Mr. John Thaxter, a salary of three hundred pounds sterling annually, for the time he acted as private Secretary to Mr. John Adams, one of the Ministers plenipotentiary of the United States of America in Europe; deducting from such allowance the public monies advanced to him on this Account; and that the Board of Treasury take order for paying, out of the contingent fund the sum found due to Mr. Thaxter, on a Certificate of the Comptroller of the Treasury.

MONDAY, JULY 3, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Rhode Island, Mr. [James] Manning, and from Connecticut, Mr. [William Samuel] Johnson.

Mr. John Parker, a delegate for South Carolina, attended, and produced the credentials of his appointment, by which it appears, that he is appointed a delegate to represent that State in Congress, until the first day of February next.

STATE OF SOUTH CAROLINA:

By His Excellency William Moultrie Esquire Governor and Commander in Chief, in and over the State aforesaid.

To The Honorable JOHN PARKER SENIOR, Esquire, Greeting:

Know ye that by Virtue of the Power and Authority in me Vested by the Legislature of this State I have Commissioned, Constituted, and Appointed and by These Presents do Commission, Constitute, and Appoint you the said John Parker Senior to be a Delegate to represent the State in the Congress of the United States of America.

This Commission to Continue and be in force until the twenty-first day of February which will be in the year of Our Lord One thousand Seven hundred and eighty-seven, and no longer.

Given under my hand and the Great Seal of the State in the City of Charleston this twenty-first of February in the year of Our Lord One thousand seven hundred and eighty-six and of the Sovereignty and Independence of the United States of America the tenth.

WILL^M. MOULTRIE.¹

[SEAL PENDANT]

By His Excellency's Command:

PETER FRENEAU,
D^y Sec^y.

On a report of the board of treasury, to whom was referred a memorial of John Wilcox and Gerardus Clarkson, executors of Benjamin Flowers, deceased, late Commissary general of Military Stores.

BOARD OF TREASURY,

June 29th, 1786.

SIR: In our Report to Congress of the 22^d instant we informed that Honorable Body of a difference in Statement betwixt the Comptroller of the State of Pennsylvania and the General Treasury, of payments made by that State on Account of the Requisitions of the 27th and 28th April 1784, and 27th September, 1785. In Consequence of M^r Nicholson's (the State Comptroller's) directions, the Treasurer of the State of Pennsylvania has refused to pay the Commissioner of the Loan Office, any further sums on Account of the last Requisition; and the Comptroller of the State has applied to M^r Smith the Loan Officer, for a Receipt in behalf of the State for a number of Facilities which they propose paying to Complete their Quota. This sum the State Comptroller in his Letter of the 11th instant (Copy of which is enclosed) computes at about 170,000 Dollars. By the enclosed Statements made by this Board of the payments made by the State of Pennsylvania on the Requisitions of the 4th September, 1782, 27th and 28th April, 1784, and 27th September, 1785, The Balance due from the State in Facilities is only 72,759 Dollars: of Course the Commissioner of the Loan Office cannot be authorised by this Board to receive any further Sum in Indents of Interest than the above mentioned balance; neither can a discharge be given for this sum, 'till the whole Amount

¹ The original commission is in the *Papers of the Continental Congress*, South Carolina, *Credentials*. According to indorsement it was read July 3. It is entered in *Record of Credentials* No. 179 but not in the Journal.

of the Specie required by the Requisitions for the years 1784 and 1785 is paid into the Treasury.

Congress will observe that the difference in our Statement, and that made in behalf of the State, arises from a variance in the Construction of the Requisition of the 27th and 28th April, 1784. The State claims a right to place to the Account of Facilities one-fourth Part of their whole Quota of the Moiety of Eight Million of Dollars: The Requisition says Explicitly, "that only one-fourth part of the Balance then due may be discharged in Facilities." It is not for this Board to enter into the Merits of the Claim made in behalf of the State of Pennsylvania. As the Executive Officers of Congress it becomes our Duty to direct the Commissioner of the Loan Office to suspend the Issue of Indents 'till the State have fully complied with ye Requisition of the 27th September, last.

It did not occur at first that the Act of Pennsylvania was only a partial compliance. This upon a close examination appears to be the case. Had we been fully apprised of this matter before any Facilities were issued, we should not have furnished the Loan Officer of Pennsylvania with them.

We have the honor to be etc.¹

Resolved, That the executors of colonel Benjamin Flowers, late commissary general of military Stores, be directed to transmit to the comptroller of the treasury, such vouchers and documents relative to the accounts of that department, as may facilitate the settlement of the particular accounts of the deceased, and of the persons acting under him as principal of the department.

That the board of treasury cause the particular account of the deceased, for articles purchased or received by him as principal, to be forthwith examined; and, if, on a report of the comptroller, in consequence of such examination, it shall

¹ This letter, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 139, folio 335. According to indorsement it was read July 3 and referred back to the Board of Treasury to report. Committee Book No. 190, notes the report as rendered July 20. The enclosure, from John Nicholson to Thomas Smith, is on folio 339; Pennsylvania's account with the United States for her specie quota of several requisitions is on folio 345 and the account of the Indents of interest is on folio 349.

appear, that the best account is rendered of the articles purchased or received by the deceased, which present circumstances will admit of, that they be, and they hereby are authorised to direct the issue of the usual certificate for any balance which may appear due on the settlement of the cash account of the deceased.¹

WEDNESDAY, JULY 5, 1786.

Congress assembled. Present, as before.²

OFFICE FOR FOREIGN AFFAIRS,

3^d July, 1786.

SIR: I find that Congress were pleased on the 22^d Ult; to order me "to transmit to the Executives of the States Abstracts of the Numbers, Names, and Owners of Negroes carried away by the British in contravention to the late Treaty of Peace, and which were the Property of the Citizens of such States respectively."

¹ JULY 3: The following committees were appointed: Mr. [Josiah] Hornblower, Mr. [John Cleves] Symmes and Mr. [Melancton] Smith, on the "Report of board of treasury and Sec^y at War on claim of Capt. Baldwin." Report was rendered July 20. See *ante*, April 24.

A Grand Committee consisting of Mr. [Samuel] Livermore, Mr. [Nathan] Dane, Mr. [James] Manning, Mr. [William Samuel] Johnson, Mr. [Melancton] Smith, Mr. [John Cleves] Symmes, Mr. [Charles] Pettit, Mr. [John] Henry, Mr. [Arthur] Lee, Mr. [Timothy] Bloodworth, Mr. [Charles] Pinckney and Mr. [William] Houstoun, "To report such amendments to the Confederation and a draft of such resolutions as it may be necessary to recommend to the several states for the purpose of obtaining from them such powers as will render the federal government adequate to the ends for which it was instituted." Report was rendered August 7.

The "Report of Sec^y at War on claims of Jesse Cook and Jesse Grant" was referred to the Commissioner of Army Accounts to report and report rendered July 6.

"A motion of Mr. [William] Houstoun respect^s lieut Col. Pannill of the Georgia line" was referred to the Commissioner of Army Accounts to report and report rendered August 1.

Committee Book No. 190.

² JULY 5: "Motion of Mr. [Charles] Pettit for extending the resolution of May 10, 1780, to certificates lost out of the bounds of U. S." was referred to the Board of Treasury to report and report rendered August 9.

Committee Book No. 190.

I suspect that Congress were not apprized of the Length of this Account. A very diligent and good Clerk in this Office was employed six Weeks in making a Copy of it for M^r Adams. The Number of Clerks now in the Office are barely sufficient for the ordinary Business of it. If therefore thirteen manuscript Copies are to be made, with any tolerable Degree of Expedition, it will be necessary for me to employ a large additional Number. The Expence will be considerable, and the Means of defraying it being rendered uncertain by the present State of the Treasury, which is now in arrear, even to the stated Clerks, creates Difficulties which merit consideration.

This Account does not appear to me capable of Abridgement, and I am inclined to think that the Wages of extra Clerks would exceed the Price for which it might be printed.

That Congress may judge of these Circumstances with greater Precision I herewith transmit the Book in which this Account is entered.

Whatever may be the Orders on this or any other Subject, it will always give me Pleasure to execute them with Punctuality and Expedition.

I have the Honor to be etc.

JOHN JAY.¹

His Excellency,
The President of Congress.

THURSDAY, JULY 6, 1786.

Congress assembled. Present as before.

On a report of the secretary at war and commissioner for army accounts, on the memorial of Jesse Cook and Jesse Grant,

OFFICE OF ARMY ACCOUNTS,
July 6th, 1786.

The Commissioner for Settling the Accounts of the Army to whom was referred the Memorial of Jesse Cook and Jesse Grant, begs Leave to report:

¹ This report is in the *Papers of the Continental Congress*, No. 80, III, folio 21. According to indorsement it was read July 5 and referred to Mr. [Charles] Pinckney, Mr. [William] Grayson and Mr. [Timothy] Bloodworth, who reported July 6. The report was acted on August 9.

That by Virtue of a resolution of your honorable House of the 16th of April, 1781, Your Commissioner hath settled the Accounts of the Memorialists, who have been allowed their Old emission money agreeable to the usual mode of paying the Army and also their Subsistence from which was deducted the Supplies made by the Commissary of prisoners.

That your Commissioner omitted the settlement of their depreciation in Consequence of the above mentioned resolution and also their pay after the first of August, 1780, to the date of their exchange, for the reason that the state of Connecticut settled with Line for that time,

That your Commissioner in his settlement with these Officers considered the Warrant of the Governor of the State and the Certificate of the Secretary at War that they were appointed Captains to be a Sufficient Authority for him to settle their Accounts as such so far as they lay in his department.

That the Memorialists have Obtained their Depreciation and pay from the State of Connecticut, as Lieutenants, but their petition for the difference between the depreciation of Lieutenants and Captains has for some reason unknown to your Commissioner been negatived by the Legislature of the State.

And Therefore that the real Subject of Complaints of Memorials, and which the report of the Secretary at War has a tendency very justly to remove is that the State be Authorized to Settle with them as Captains and Lieutenants.

JN^o PIERCE.¹

Resolved, That it be recommended to the state of Connecticut, to settle with Jesse Cook and Jesse Grant, late

¹ This report is in the *Papers of the Continental Congress*, No. 62, folio 145. According to indorsement it was read July 6. The report of the Secretary at War was read June 1.

Also, according to indorsement, was read the report of the committee of July 5 on the lists of negroes carried away by the British. It was adopted August 9 and is there spread *verbatim* on the Journal.

JULY 6: The following committee was appointed: Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney, Mr. [Rufus] King and Mr. [Nathan] Dane, on "The report of the board of treas^y viz. Requisition for 1786." This was the report dated June 22 and read June 27, for the consideration of which July 5 had been assigned. See *post*, August 2.

officers in the service of the United States, the depreciation of their pay as captains, from the time they were entitled to that rank, to the first day of August 1780, and also for their pay as captains, from the said first day of August, to the 25th October, 1780, when they returned from captivity.

FRIDAY, JULY 7, 1786.

Congress assembled. Present, as before.

Congress took into consideration a report of a Grand Committee, to whom among other things, was referred a motion of Mr. Monroe, respecting the cessions of Western territory, and forming the same into states, and the committee having submitted that it be *Resolved*,

That it be recommended to the legislatures of the States of Massachusetts and Virginia, to take into consideration their Acts of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such divisions into states of the ceded lands and territory, as the situation of the country and future circumstances may require; with this limitation and condition, however, that all the territory of the United States, lying north west of the river Ohio, shall be formed into a number of states, not less than two nor more than five, to be admitted into the Confederacy on the principles and in the forms heretofore established and provided."¹

A motion was made by Mr. [William] Grayson, seconded by Mr. [Henry] Lee, to postpone the consideration of the same, in order to take up the following:

That it be recommended to the states of Virginia and Massachusetts, so to alter their acts of cession, as that the states in the western territory may be bounded as follows: There shall be three states between the Ohio and a line running due East from the Mississippi to the eastern boundary of the United States, so as to touch the most southern part of lake Michigan. The state lying on the Mississippi shall be separated from the middle state by a line running due north from the western side of the Mouth of the Wabash river, till it inter-

¹ See *ante*, March 24.

sects the said east line; the Middle state shall be separated from the others by the aforesaid line, and a line running also due North from the Western side of the mouth of the big Miami, till the intersection thereof with the said East line; and the other state shall be divided from the middle state by the said line, the said east line, lake Erie, the bounds of Pennsylvania, the other original States and Ohio: There shall be a state between the said east line, lake Michigan, lake Huron and the streights of Michilimakinak; and another between the said east line, the lakes Michigan and Superior and the boundary line of the United States and the river Mississippi, to be admitted into the confederacy on the principles and in the forms heretofore established and provided.

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

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}no	Mr. Henry,	ay	}ay
Long,	no		Harrison,	ay	
<i>Massachusetts,</i>			Ramsay,	no	
Mr. Gorham,	ay	}no	<i>Virginia,</i>		
King,	no		Mr. Grayson,	ay	}ay
Sedgwick,	no		Monroe,	ay	
Dane,	no		Lee,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Manning,	ay	}*	Mr. Bloodworth,	ay	}ay
<i>Connecticut,</i>			White,	ay	
Mr. Johnson,	no	}*	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Pinekney,	no	}div.
Mr. Haring,	ay	}div.	Kean,	ay	
Smith,	no		Huger,	no	
<i>New Jersey,</i>			Parker,	ay	
Mr. Synimes,	no	}no	<i>Georgia,</i>		
Hornblower,	no		Mr. Houstoun,	ay	}ay
<i>Pennsylvania,</i>			Few,	ay	
Mr. Pettit,	no	}no			
Bayard,	no				

So the question was lost.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [John Cleves] Symmes, to strike out the words "with this limitation and condition however, that all the territory of the United States lying north-west of the river Ohio, &c. to the end."

And on the question, shall those words stand? the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}	Mr. Henry,	ay	}
Long,	no		Harrison,	ay	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	ay	}	<i>Virginia,</i>		
King,	no		Mr. Grayson,	no	}
Sedgwick,	no		Monroe,	ay	
<i>Rhode Island,</i>			Lee,	ay	
Mr. Manning,	ay	}	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Bloodworth,	ay	}
Mr. Johnson,	no		White,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Haring,	ay	}	Mr. Pinckney,	no	}
Smith,	ay		Kean,	ay	
<i>New Jersey,</i>			Huger,	no	
Mr. Symmes,	no	}	<i>Georgia,</i>		
Hornblower,	ay		Mr. Houstoun,	no	}
<i>Pennsylvania,</i>			Few,	ay	
Mr. Pettit,	no	}			
Bayard,	no				

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

The resolution being amended to read as follows:

That it be recommended to the legislature of Virginia, to take into consideration their act of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require, which states shall hereafter become

members of the federal Union, and have the same rights of sovereignty, freedom and independence as the Original states, in conformity with the resolution of Congress of the 10th October, 1780.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}ay
Long,	ay		Harrison,	ay	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	ay	}ay	<i>Virginia,</i>		
King,	ay		Mr. Grayson,	no	}ay
Sedgwick,	ay		Monroe,	ay	
Dane,	ay		Lee,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Manning,	ay	}*	Mr. Bloodworth,	ay	}ay
<i>Connecticut,</i>				White,	
Mr. Johnson,	ay	}*	<i>South Carolina,</i>		
<i>New York,</i>				Mr. Pinckney,	ay
Mr. Haring,	ay		Kean,	ay	
Smith,	ay		Huger,	ay	
<i>New Jersey,</i>			Parker,	ay	
Mr. Symmes,	ay	}ay	<i>Georgia,</i>		
Hornblower,	ay			Mr. Houstoun,	ay
<i>Pennsylvania,</i>			Few,	ay	
Mr. Pettit,	ay	}ay			
Bayard,	ay				

So it was resolved in the Affirmative.

The report being further amended, the whole was agreed to as follows:

Whereas it appears, from the knowledge already obtained of the tract of Country lying Northwest of the river Ohio, that the laying it out and forming it into states of the Extent mentioned in the resolution of Congress of the 10th of October, 1780, and in one of the conditions contained in the cession of Virginia, will be productive of many and great inconveniences: That by such a division of the country, some of the new states will be deprived of the advantages of Navigation, some will be improperly intersected by lakes, rivers

and Mountains, and some will contain too great a proportion of barren unimprovable land, and of consequence will not for many years, if ever, have a sufficient number of inhabitants to form a respectable government, and entitle them to a seat and voice in the federal council: And whereas in fixing the limits and dimensions of the new states, due attention ought to be paid to natural boundaries, and a variety of Circumstances which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each state, as well as for the accommodation and security of the first adventurers. In order therefore that the ends of government may be attained, and that the states which shall be formed, may become a speedy and sure accession of strength to the Confederacy:¹

Resolved, That it be, and it hereby is recommended to the legislature of Virginia, to take into consideration their Act of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States lying Northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require; which states shall hereafter become members of the federal Union, and have the same rights of sovereignty, freedom and independence as the original states, in conformity with the resolution of Congress of the 10th October, 1780.²

MONDAY, JULY 10, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia,

¹ This amendment, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 30, folio 567¹

² See *ante*, March 24.

On this day, according to indorsement, was read a letter from the Secretary for Foreign Affairs, dated July 6, transmitting a letter of June 27 from Mr. Otto regarding the delay of decision on the Consular Convention with France. Jay's letter and his reply to Otto are in the *Papers of the Continental Congress*, No. 80, III, folios 9 and 13.

North Carolina, South Carolina and Georgia; and from Rhode Island, Mr. [James] Manning; from Connecticut, Mr. [William Samuel] Johnson, and from New Jersey, Mr. [John Cleves] Symmes.¹

TUESDAY, JULY 11, 1786.

Congress assembled: Present, New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Rhode Island, Mr. [James] Manning, and from Connecticut, Mr. [William Samuel] Johnson.

Resolved, That a monument be Erected to the Memory of N. Greene esqr. at the seat of the fœderal government with the following inscription:

Sacred to the memory of N. GREENE, esqr., who departed this life on the 19 of June 86, aged —, late Major General in the service of the U. S. and commander of their army in the Sou. department

GUILFORD — CAMBDEN — EUTAW

JUDGEMENT — FIRMNESS — GLORY

¹ JULY 10: The following committee was appointed: Mr. [William Samuel] Johnson, Mr. [Rufus] King and Mr. [Charles] Pettit, on "Report of Sec. for foreign Affairs respect^s treaties with the Algerines." Report was rendered July 20.

Report of Secretary for Foreign Affairs "on the Consular Convention with France" was referred back to said Secretary to report, which he did August 18.

"The Secretary at War to take Order on his letter of 10 July and the resolution therein submitted viz. That the Secy. at War deliver to the heads of the Canadian refugee families Who are the subjects of the resolves of Congress of 30 June, 1786, such a proportion of the implements of husbandry which are now in the possession of the public as in his Opinion shall be indispensibly necessary to the clearing and cultivating their lands on lake Champlain given to them by the State of New York."

A "Motion respecting pay of Com^{rs} for Indian Affairs in Northern department" was referred to the Board of Treasury to report and report read July 17.

"The several memorial of Col. Donald Campbell" were referred to the Board of Treasury to report and report rendered August 1.

Committee Book No. 190.

The Congress of the U. S. in ~~gratitude~~ honor of his patriotism
valor and ability have erected this monument ¹

WEDNESDAY, JULY 12, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Rhode Island, Mr. [James] Manning.

Mr. Jonathan Sturges, a delegate for Connecticut, attended, and took his seat in Congress.²

On the report of a committee, consisting of Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King,

¹ This motion, in the writing Henry Lee, is in the *Papers of the Continental Congress*, No. 19, II, folio 513. According to *Committee Book No. 190*, it was offered July 11 and referred to Mr. [Henry] Lee, Mr. [Charles] Pettit and Mr. [Edward] Carrington. They reported July 12.

JULY 11: A "Note of Mr Gardoqui complaints of Indian Nations against the State of Georgia" was referred to the Secretary for Foreign Affairs to report. He reported July 13. Jay's letter transmitting Gardoqui's note, with a translation, is in No. 80, III, folio 25 and, according to indorsement was read July 11.

"Letter 20 June John O'Donnell respecting trade with East Indies" was referred to the Secretary for Foreign Affairs to report and report rendered August 7. O'Donnell's letter is in No. 78, XVII, folio 385.

"Letter 10 July R. Butler and S. H. Parsons signifying that they have prepared a message pursuant to act of June 30 and are ready to forward the same when provided with a small sum of Money to pay the Messenger and that some presents will be wanted for the chiefs who may attend the surveyors and pointing out a mode of obtaining them," was referred to the Board of Treasury to take order.

Committee Book No. 190.

Also, according to indorsement, was read a letter from the Secretary for Foreign Affairs, forwarding a letter from the President of Pennsylvania, Benjamin Franklin. Jay's letter is in No. 80, III, folio 17. See *post*, July 12.

Also was read a letter from the Secretary at War, transmitting intelligence from Captain John Doughty, at the mouth of the Muskingum. Knox's letter is in No. 150, I, folio 399; Doughty's intelligence precedes it.

Also was read a petition from Maurice Desdevens, dated July 10, calling attention to his claims and former petitions. It is in No. 35, folio 255. See *post*, July 12.

² For credentials see *ante*, 1785, November 23.

Mr. [John] Kean and Mr. [Charles] Pinckney, to whom were referred the treaties made with the Indians:

Whereas it is unnecessary to continue the Commissions longer in force, which were granted for the purpose of treating with the Indians in the Northern, Middle, and Southern departments, as the future connexion and intercourse with the several Indian nations, may, at a less expence, be maintained by a proper organization of the Indian department; therefore,

Resolved, That the several Commissions of the 17 May and 22 September, 1785, be, and they are hereby revoked.

The Committee consisting of Mr. [William] Harrison, Mr. [John Cleves] Symmes and Mr. [William] Grayson, to whom was referred the Memorial of Jacob Rubsamen, beg leave to report:

That it appears to your Committee, that the Memorialist, in consequence of an Agreement entered into on the 4th December, 1775, with a Committee of Congress for promoting the manufacture of Salt-petre, went to Virginia as an Instructor in the making of that Article, and is entitled to the Sum of _____ pr Day, from the time of his entering on that Business ~~until the 26th August, 1782, when he was discharged~~; also to a reasonable allowance for his travelling expences from Philadelphia to Virginia, and to a gratuity of $\frac{1}{60}$ ths of a dollar pr C. on 4,000 lbs, and $\frac{1}{60}$ ths of a dollar pr C. on 1,000 lbs Salt-petre, produced from the works under his direction within a certain limited time, as appears by a Certificate, and a letter, from Archibald Cary Esq^r, who was Chairman of a Committee in Virginia, appointed by Congress to superintend the Business aforesaid.

Resolved, That Congress agree to the above report; and that the Board of Treasury take order for settling the Acco^t of the said Jacob Rubsamen.¹

OFFICE OF SECRETARY OF CONGRESS,

July 12, 1786.

On the petition of Maurice Desdevens praying that a committee may be appointed to take into consideration all the papers he sent to

¹ This report, in the writing of William Harrison, is in the *Papers of the Continental Congress*, No. 19, V, folio 255. According to indorsement it was read July 12.

Congress last year containing his demands, the Secretary of Congress reports

* * * * *

Agreed to July 12,
1786.

That the petition of M. Desdevens with the papers formerly presented containing his claims be referred to the board of treasury.¹

THURSDAY, JULY 13, 1786.

Congress assembled. Present as yesterday.

On a letter of the 12, from the board of treasury,

Ordered, That the board of treasury take Order to advance to the person engaged by the late Indian Commissioners for the northern and middle departments, to invite certain chiefs of the Western Indians to attend the geographer of the United States, in the survey of the Western territory, as much money as may be necessary for his service and expences.²

¹ This report is in *Reports of the Secretary of Congress*, No. 180. The omitted portion is a long list of the various petitions submitted by Desdevens. See *post*, July 17.

JULY 12: A "letter 10 [6] July from Sec^y for for^s Affairs with letter enclosed from Doct. B. Franklin pres^t of Pensylv^a Letter 6 July from s^d presid^t to Secy of Congress" was referred to the Secretary at War to report. He reported July 13. Jay's letter is in No. 80, III, folio 17; Franklin's are in No. 69, II, folios 545 and 553 and relate to a proposed visit of the Indian chief Scotosh to Europe; a speech of Scotosh is on folio 549 and another copy is in No. 30, folio 385.

Committee Book No. 190.

Also, according to indorsement, the report of the committee of July 11, on a monument to Nathanael Greene, was read. This report was Lee's original motion with verbal changes to cast it into report form. It was passed August 8 and is there spread on the Journal in its adopted form.

Also, according to *Reports of the Secretary of Congress*, No. 180, his report on the memorial of J. Sparhawk was this day agreed to. See *ante*, June 27.

² This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 273. According to indorsement it was made this day. It provided also "that the Board of Treasury take order to advance such monies as may be necessary to enable the messenger appointed by the late Indian Commissioners to proceed"; but this was not adopted.

July, 1786

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BOARD OF TREASURY,

July 12th, 1786.

SIR: We observe by a Resolve of Congress of the 30th June last, which has been Communicated to the Board by the Commissioners of Indian Affairs that these Gentlemen are directed "to take Immediate Measures for Communicating to the Several Western Indian Tribes with whom they have treated, that the Surveyors of the United States are out on the Business of Surveying the Western Country, and that agreeably to the Stipulations of those Tribes, the Commissioners call on them to meet and Assist the Surveyors in the Execution of this Business."

In Consequence of this Order the Commissioners of Indian Affairs have applied to this Board for Pay, or Presents to the Chiefs and Indians, who may attend the Surveyors, and for sufficient Sums to defray the Expence of an Express to the Westward. Previous to this Application the Board in Consequence of an Application from M^r Hutchins the Surveyor General, advanced the Sum of Four hundred and Fifty-nine Dollars, to defray the Expence of Indians to attend the Surveyors, and Three hundred Dollars on Acc^t of Contingencies. As we presume Congress were not acquainted with this Measure at the Time they past the Resolution we have mention'd, we Esteem it our Duty to make this Communication previous to our taking any Steps in Consequence of the Application made to us. Exclusive of the above Sums it may be proper to observe that the Sum of Two hundred and Seventy-four Dollars which has been advanced for Provisions to the Indians; so that the whole Advance made for this Object is One thousand, and thirty-three Dollars.

We have the Honor etc.¹

His Excell^y

The President of Congress.

¹ This letter, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 140, II, folio 245. According to indorsement it was read July 13.

OFFICE OF SECRETARY OF CONGRESS,

July 13, 1786.

On the letter of Mess^{rs} Schweighauser & Dobree stating their claims for advances on acco^t of the frigate *Alliance* and praying for payment,

Agreed to July 13.

The Secretary of Congress reports That the letter of 26 September, 1785, from Schweighauser & Dobree be referred to the board of treasury.

On the memorial of Joseph Hubley stating his services as assistant commissary of prisoners at Lancaster and praying for a compensation for his services

Agreed to July 13.

The Sec^y of Congress reports That it the Memorial of Joseph Hubley be referred to the board of treasury to report.¹

OFFICE FOR FOREIGN AFFAIRS,

12th July 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Note of the 30th Day of June last from the Encargado de Negocios of his Catholic Majesty, Reports:

That in his Opinion it should be—

Resolved, That the United States are sincerely disposed to conduct their Negotiations with his Catholic Majesty with the greatest Candor and good Humour, and if possible to terminate them by such a Treaty as may preserve and perpetuate the Peace and Friendship which happily subsists between him and them, and between his Subjects and their Citizens.

Resolved, therefore that unless all Questions relative to the true Boundaries of Florida shall (as they hope will be the Case) be settled by mutual Agreement, the United States will cheerfully consent and be ready to refer the same to the Ultimate Decision of three or more impartial Commissioners. And as it is their earnest Wish and Desire that these Negotiations and Proceedings may be carried on in the most friendly Manner, and may not be interrupted or impeded by any offensive or irritating Measures on either Side. It is further

Resolved, That a Copy of the above mentioned Note be transmitted by the Secretary for foreign Affairs to the Governor of the State of

¹ These proceedings are entered in *Reports of the Secretary of Congress* No. 180 and also in *Committee Book* No. 190, where it is noted that a report on Schweighauser & Dobree was rendered October 16, 1786, and on Hubley on July 18, 1788, and acted on July 22. Hubley's memorial is in No. 41, IV, folio 350.

Georgia; and that he be informed that Congress have received with Regret repeated Complaints of the Conduct of Some People in that State towards the Spaniards and that they desire and expect that such Measures will be immediately taken as may prevent the like in future.

Resolved, That the State of Georgia be further informed that the Liberality and Friendship of his Catholic Majesty, manifested in many recent Instances, towards the United States, leave no Room to apprehend that he wishes to adhere to any Claims of Territory which on Examination may appear ill founded, or to extend his Dominion at the Expence of that Justice and Magnanimity for which he is signalized. That as the United States, however tenacious of, and determined to assert their just Rights, have full confidence in the Integrity, and set a high Value on the Friendship of his Catholic Majesty, they are exceedingly anxious to evince the Reality of these Sentiments by a correspondent Conduct, and to restrain and punish all such Excesses of rash and inconsiderate Adventurers, as may give just Cause of Umbrage to the spanish Government.

Ordered, That a Copy of the foregoing Resolutions be given to the said Encargado de Negocios.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.¹

The Secretary of the United States for the department of war to whom was referred sundry papers relative to Scotosh a Wiandot warrior, Reports:

That Scotosh nephew and adopted son of the half king of the Wiandots residing at Sandusky is a young warrior of a good reputation. That he was left as an hostage for the performance of the treaty of Fort McIntosh and honorably remained as such until the articles stipulated for were performed. He expresses a strong desire to speak to Congress and has delivered the inclosed speech to Richard Butler Esquire one of the commissioners of Indian affairs. He is accompanied by a M^r ——— a Canadian as interpreter. This person has resided a long time at and near Detroit as an indian trader a man whose attachment to the interests of the United States may be reasonably doubted. He says he is married to the widow of the late Captain White-Eyes of the Delaware tribe who is of this party.

¹ This report is in the *Papers of the Continental Congress*, No. 80, II, folio 119. According to indorsement it was read July 13. See *post*, July 17.

The interpreter intimates that Scotosh expresses a strong desire to visit France, but that he has no money for that purpose. On this intimation your secretary remarks that it is highly probable the interpreter may have created this desire with a view to accomplish his own pecuniary or other designs by means of the indians.

That however consistent it may be with a general system of policy towards the indians to gratify their reasonable wishes on all occasions yet the influence and importance of characters must always be considered with regard to the proportion of expences to be incurred.

That if a character could be found among the indians of firm attachment to the United States and whose political influence among the various tribes would form a full counterbalance to the influence of Brandt in favor of Great Britain it might be a wise measure to countenance the visit of such a Character to France.

That whatever may be the future influence of Scotosh he is not at present in the situation as a simple warrior to warrant the expenditure of any such sums of money as would necessarily be expended in supporting three persons in an excursion to Europe. But your Secretary humbly submits to your consideration whether it would not be proper for Congress to grant Scotosh an Audience, some presents and deliver him a message of such a nature to his Father, as would require his delivering it himself. The immediate return of this party is a circumstance of some consideration as they have four horses at Princeton, the expences of which together with their own daily expences in this city, they expect will be defrayed by the United States.

H. KNOX.¹

War Office, July 13, 1786.

The Committee [consisting of Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom a Motion of Mr. Dane was referred for considering and reporting the FORM of a TEMPORARY GOVERNMENT for the WESTERN STATES, Beg leave to Report:

It being stipulated by the State of Virginia in her act of cession to the United States, that the territory thus ceded be laid into states of certain dimensions, and admitted into the confederacy with the rights of the thirteen original states, it becomes necessary, that Congress

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 191. According to indorsement it was referred this day to Mr. [John Cleves] Symmes, Mr. [Henry] Lee and Mr. [Rufus] King and acted on July 24.

should take such measures as shall be best calculated to carry the said condition into effect; this can be done only by promoting its settlement and securing to its settlers and others who may purchase the soil, the rights of property, and of personal safety, with the conditions upon which they shall ultimately obtain that important privilege. The committee therefore think it the duty of Congress to adopt and publish previous to the sale of any part of the said territory, the plan of a temporary government for said State or States, with the period at which it shall expire, and they assume their form and equal station in the confederacy.

They are aware of the propriety of defining in the first instance the bounds of the States within which such government shall apply; but as Congress did on the day of recommend it to the said states to revise their acts of cession, as to the said condition which respects their dimensions, so as to enable the United States to make such division of the same as therein described, it would, in their opinion, be improper to make any further arrangements respecting it, until the fate of the said recommendation shall be determined, it is however to be understood, that if the reasons urged for the proposed alteration, shall be satisfactory, and the states accede to it, the states as therein designated, shall be perpetual. But if on the contrary, they should adhere to the said condition, however unfortunate it may be in its consequences, the states must be contracted to an extent of territory conformable to the condition as it now stands; leaving therefore this point to be determined by this event, the committee beg leave to submit the following plan of temporary government for such state or states:

The PLAN of a TEMPORARY GOVERNMENT for such Districts as shall be laid out by the United States, upon the principles of the acts of cession from individual states, and admitted into the confederacy.

The United States in Congress assembled will appoint a governor, whose commission shall continue in force for the term of three years unless sooner revoked by Congress.

There shall be appointed by Congress from time to time a Secretary whose Commission shall continue in force for 2 years unless sooner revoked by Congress. It shall be his duty to keep and preserve the Acts and laws passed by the gen^l Assembly and public records of the district and of the proceedings of the governor in his executive department and transmit an Authentic copy thereof every 3 months to the Secy. of Congress.

There shall also be appointed a Court, to consist of five judges, who shall have a common law and chancery jurisdiction, and whose commissions shall continue in force during good behaviour.

The Governor for the time being, shall be commander in chief of the militia and appoint all officers in the same, below the rank of general Officers; all officers above that rank shall be appointed by Congress; and all officers of every rank and degree, shall be commissioned by Congress.

Previous to the organization of the general Assembly, the governor shall appoint such Magistrates and other civil officers in each county or township as he shall find necessary for the preservation of peace and good order in the same. After the general Assembly shall be organized the number of Magistrates and other civil Officers with their powers, duties and terms of service shall be regulated and defined by the said Assembly, But all majestrates and other civil Officers not herein otherwise directed shall during the continuance of this temporary government, be appointed by the governor.

The governor shall as soon as may be proceed to lay out the land into counties, townships, subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be 500 free male inhabitants of full age within the said district upon giving due proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, as aforesaid, to represent them in general assembly; provided that for every 50 free male inhabitants, there shall be one representative and so on progressively with the number of free male inhabitants shall be the right of representation increased; until the number of representatives amount to 20 after which the number and proportion of representatives shall be regulated by the legislature; provided, that no person shall be eligible, or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within such district three years, and shall likewise hold in his own right in fee simple 200 acres of land within the same; provided also that a free hold or life estate, in fifty acres of land, if a citizen of any of the United States, and one year's residence, if a foreigner, in addition shall be necessary to qualify a man as elector for the said representative.

The representatives thus elected shall serve for the term of one year, and in cases of death, resignation or renunciation of Office, the governor shall issue a writ to the county or township for which

he was a member, to elect another in his stead, to serve for the residue of the time

The general assembly shall consist of the governor, a legislative council to consist of 5 members any three of whom to be a quorum, to be appointed by the United States in Congress assembled and to continue in Office during pleasure, and a house of representatives who shall have a legislative authority complete in all cases for the good government of the district.

All money bills, shall originate in the house of Representatives, and all other bills indifferently either in the Council or house of Representatives, and having passed by a majority in both houses, shall be referred to the governor for his assent; after obtaining which, they shall be complete and valid; but no bill, resolution, ordinance or legislative act whatever, shall be valid or of any force without his assent.

The Governor shall have power to convene or prorogue the general assembly at their request, or when in his opinion it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the federal debts contracted or to be contracted, and to bear a proportional part of the burdens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

The annual salary of the governor, shall be _____, that of a member of council _____, of the Secretary _____, of a judge of the court

The board of treasury shall devise and report the most equal and effectual means of assessing upon the said district annually, such sums as shall be necessary to defray the expenses of its government until the organization of the general assembly, after which such general assembly shall have full authority for the purpose.

The object for which this temporary government is instituted, being to protect the persons and rights of those who may settle within such districts in the infancy of their settlement, the United States look forward with equal anxiety to the period at which it shall cease and they be admitted, agreeably to the condition of the acts of cession, into the confederacy. This shall be the case so soon as they shall respectively obtain a common interest in its affairs, with such mature age and strength as to be able to act for themselves, the highest and most satisfactory evidence of which is, the number of inhabitants they will contain; it is therefore hereby declared by the

United States in Congress assembled, that so soon as any of the said districts shall contain an equal number of free male inhabitants, with the least numerous of the thirteen original States for the time being, upon giving due proof thereof to Congress, the inhabitants of such district shall receive from them authority to elect representatives to meet in convention, at the metropolis or seat of government of said district, to form a free constitution of their own, appoint delegates to the Congress of the United States, who shall be received in the same, upon an equal footing with the thirteen original states, having the same rights of freedom, sovereignty and independence as the said states.

Resolved, That the resolutions of the 23^d of April, 1784, in the following words viz [here insert the resolution] be and they are hereby repealed.¹

¹ This report, in broadside form, is in the *Papers of the Continental Congress*, No. 30, folio 93. As printed, it is the report of May 10; it is changed, in the writing of Charles Thomson, to conform to the amendments of July 13 and in this altered form was recommitted to Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean and Mr. [Charles] Pinckney. See *post*, July 19. In No. 36, III, folios 275-281, are four motions which, according to Roger Alden's indorsement on the first, seem to have been offered on July 13 or an approximate date. They are:

"Provided that no act of the said General Assembly shall be construed to affect any Lands the property of the U. S. and provided farther that the lands of non-resident Proprietors shall in no instance be taxed higher than the ~~unimproved~~ lands of Residents." This motion, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 275. It is undated, but indorsed by Roger Alden "Motions July —, 1786, respecting the temporary government of western territory."

"previous to the organization of the general assembly the Governor shall appoint such civil officers and magistrates in each county or township as he shall find necessary, for the preservation of peace and good order in the same; after the general assembly shall be organized the number of civil magistrates and other officers, with their powers, duties, and terms of service shall be regulated and defined by the said assembly, but all civil officers and magistrates during the continuance of this temporary government not herein otherwise directed shall be appointed by the Governor." This motion, in the writing of James Monroe, is in the *Papers of the Continental Congress*, No. 36, III, folio 277.

"and appoint all officers in the same below the rank of general officers." This motion, or amendment, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 36, III, folio 279.

FRIDAY, JULY 14, 1786.

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

Mr. Nathan Miller, a delegate for Rhode Island and Providence plantations, attended, and produced the credentials of his Appointment, by which it appears, that he is empowered to represent the said State until the first Monday in November next.

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 NATHAN MILLER, Esq^r Greeting:

Whereas you the said Nathan Miller was at the General Assembly of the State aforesaid held at Providence on the last Monday in February last appointed One of the Delegates to represent the said State in Congress until the First Monday in November next: I do therefore hereby empower and authorize you the said Nathan Miller to represent the said State, in the Congress of the United States of America now sitting at New York; and to continue and act as a Delegate of the said State in the same, whensoever and wheresoever the said Congress shall meet, until the said First Monday in November next. And for your so doing this Commission shall be your sufficient Warrant

“There shall be appointed by Congress from time to time a Secretary ~~to the Governor and Council~~ whose Commission shall continue in force two years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the General Assembly and public records of the district and of the proceedings of the Governor in his executive Department and transmit an authentic copy thereof every three months to the Secretary of Congress; if disapproved of by Congress within six months, after the same shall be received by their Secretary the same shall become void.” This motion, in an unknown hand, is in the *Papers of the Continental Congress*, No. 36, III, folio 281.

Also, according to *Committee Book No. 190*, the memorial of Reverend Robert Smith for commutation, was referred to the Commissioner of Army Accounts to report and a report rendered July 31.

Given under my Hand and the Seal of the said State the Sixth Day of March A. D. 1786, and in the Tenth year of Independence.

W. GREENE.¹

By His Excellency's Command:

HENRY WARD, *Secry.*

On the report of a committee, consisting of Mr. [Henry] Lee, Mr. [Rufus] King and Mr. [John] Kean,

Resolved, That Congress consider the Confederation as a compact between the several States for mutual good:

That the Union, under the authority of that Compact, has a right to demand the duties stipulated to be performed by each state, expressed by the Articles of the said Compact:

That the first claim which the whole has on its parts, is to comply with the formation of the sovereignty, as a compliance therewith is essential to the execution of the purposes of the Confederation:

That the states have a right to appoint their delegates, subject to the qualifications of the 5th article of the Confederation, as they may please:

That such appointments being made conformable to the Confederation, it becomes the duty of the states, seasonably to send forward their delegates, and the state neglecting so to do, becomes responsible to the Union for the delays and evils which may ensue from such neglect.

On a question to agree to the following clause of the report, viz. "That a delegate having taken his seat in Congress, has no right to withdraw himself without permission obtained either from Congress or the state he represents," the yeas and nays being required by Mr. [Charles] Pinckney,

¹ This credential is in the *Papers of the Continental Congress*, Rhode Island, *Credentials*. According to indorsement it was read July 14. It is entered in *Record of Credentials*, No. 179, and not in the Journal.

<i>New Hampshire,</i>			<i>New Jersey,</i>			
Mr. Livermore,	no	} div.	Mr. Symmes,	ay	} ay	
Long,	ay		Hornblower,	ay		
<i>Massachusetts,</i>			<i>Pennsylvania,</i>			
Mr. Gorham,	ay	} ay	Mr. Pettit,	ay	} ay	
King,	ay		Bayard,	ay		
Sedgwick,	ay		<i>Maryland,</i>			
Dane,	ay		Mr. Henry,	no	} no	
<i>Rhode Island,</i>		Hindman,	no			
Mr. Manning,	ay	Harrison,	no			
Miller,	no	Ramsay,	no			
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. Johnson,	ay	} div.	Mr. Grayson,	no	} no	
Sturges,	no		Monroe,	no		
<i>New York,</i>			Lee,	ay		
Mr. Haring,	no	} no	<i>Georgia,</i>			
Smith,	no		Mr. Houstoun,	no	} div.	
<i>North Carolina,</i>			Few,	ay		
Mr. Bloodworth,	ay	} ay				
White,	ay					
<i>South Carolina,</i>						
Mr. Pinckney,	ay	} ay				
Huger,	ay					
Parker,	ay					

So the question was lost.¹

MONDAY, JULY 17, 1786.

Congress assembled. Present as on Friday.

Mr. J[ohn] Bull, a delegate for South Carolina, attended, and produced credentials, by which it appears, that he is

¹JULY 14: The petition of Richard Gridley was referred to the Board of Treasury to report and a report rendered July 26. The petition prays reimbursement for a horse and sulkey, used during the siege of Boston and, according to indorsement, was read July 14. It is in No. 42, III, folio 287.

Committee Book No. 190.

Also, according to indorsement, was read a letter of July 5 from Governor Patrick Henry to the Virginia delegates in Congress, on conditions on the frontier relative to the Creek Indians and the tribes living on the Wabash. It is in No. 71, II, folio 441.

appointed a delegate to represent the said state in Congress, until the 21st day of February, 1787.

STATE OF SOUTH CAROLINA:

By His Excellency William Moultrie, Esquire, Governor and Commander in Chief in and over the State aforesaid.

To The Honorable JOHN BULL, Esquire, Greeting:

Know Ye that by Virtue of the Power and Authority in me Vested by the Legislature of this State I have Commissioned, Constituted, and Appointed, And by These Presents do Commission, Constitute, and Appoint You the said John Bull, to be a Delegate to represent this State in the Congress of the United States of America.

This Commission to continue and be in force until the twenty-first day of February which will be in the year of our Lord one thousand seven hundred and eighty-seven, and no longer.

Given under my hand and the Great Seal of the State, in the City of Charleston this twenty-first day of February in the year of Our Lord one thousand Seven hundred and eighty-six, And of the Sovereignty and Independence of the United States of America the Tenth.

WILL^M MOULTRIE.¹

[SEAL PENDANT]

By His Excellency's Command:

JOHN VANDER HORST,

Secretary

BOARD OF TREASURY,

July 10th, 1786.

The Board of Treasury to whom was referred to Report an allowance for the Commissioners of Indian Affairs of the Northern Department, beg leave to observe that on the 6th of May last they Reported Specially on an application to the same effect from General Schuyler late one of the Commissioners for Indian Affairs for the Northern Department.

They therefore beg leave to annex to the said Report (Copy of which is now transmitted) a General Resolution for extending to all

¹This credential is in the *Papers of the Continental Congress*, South Carolina, *Credentials*. According to indorsement it was read July 17. It is entered in *Record of Credentials*, No. 179 and not in the Journal.

Commissioners for Indian Affairs in the Northern Department the provision submitted to the consideration of Congress on the application of General Schuyler.

Resolved, That the allowance aforesaid be extended to all Commissioners of Indian Affairs in the Northern Department, during the time they were respectively employed in the Business of the said Commission.

All which is humbly submitted.¹

[Motion of M^r Grayson]

That the post master general be authorised and instructed under the direction of the board of treasury to enter into contracts under good and sufficient security for the conveyance of the different mails by the stage carriages from Portsmouth in the state of New Hampshire to the town of Savannah in the state of Georgia; and from the city of New York to the city of Albany in the state of New York, according to the accustomed route, for the year 1787. [from Portsm^o to Pownalborough by the route of Wells and New Gloucester in the County of Lincoln state of Mass.]²

That a Cross post be established from the City of Annapolis in Maryland, to ~~Leonardtown in St. Mary's County,~~ the Bowlers Green Caroline County Virg^a by the route of upper Marlbro' Piscattaway ~~and~~ Portobacco, ~~How~~ Laidler's ferry Portroyal.³

The Board of Treasury to whom was Referred the Memorial of Stephen Moore, Beg leave to Report:

That the Memorialist is Proprietor of the Lands on which the Fort of West Point and its Dependencies are Erected.

¹ This report is in the *Papers of the Continental Congress*, No. 138, III, folio 347. According to *Committee Book No. 190* it was read in Congress July 17. *Committee Book No. 189* states that it was acted on August 9.

² This motion, in the writing of Charles Thomson, except the portion in brackets which is by Rufus King, is in the *Papers of the Continental Congress*, No. 36, III, folio 283. According to indorsement it was read July 17 and referred to Mr. [William] Grayson, Mr. [Rufus] King, and Mr. [William] Few. According to *Committee Book No. 190*, a report was rendered August 4 and it is noted as being "in the words of res: of 7 Sep. 1785 with addition for y^e 1787."

³ This motion, in the writing of William Harrison, is in the *Papers of the Continental Congress*, No. 36, III, folio 287. It was offered on this, or an approximate date.

That in pursuance of a Resolution of Congress of the 18th December, 1779, the Damages done by the Public on the property aforesaid, were Certified by the Quarter Master General of the Army, to the amount of one hundred and ninety-four Pounds Continental Currency, On which Certificate the Memorialist received the Sum of Ten thousand Dollars in Continental Money, and a Draft on the Governor of the State of North Carolina, for the Sum of Thirty thousand Dollars like Money: which last sum the Memorialist states was received by him, at a time when the Continental Money was, by an Act of the Legislature of North Carolina, fixed at Seventy-five for One; although the Memorialist stands charged for the same in the Books of the Treasury at the rate of forty for one.

That on the 26th of September, 1783, another Resolution was past by Congress Annuling the former one, and directing a new Estimate to be made of the Damages sustained by the Memorialist, in consequence of which the former Estimate was reduced to the Sum of Two thousand, two hundred and twenty-six Pounds Eleven Shillings and nine pence.

That it appears by the Affidavit of Jeremiah Clarke Esq^r of Orange County in the State of New York, who was appointed Umpire by the Persons fixed on to Appraise the Damages sustained by the Memorialist; that this reduction was made on the idea that Satisfaction for the Appraisal would be immediately made to the Memorialist in Specie.

From this Statement the Memorialist prays that the United States in Congress would be pleased to order Payment of the Balance to be made to the Memorialist, having regard in ascertaining the same to the Depreciation sustained by the Memorialist on the Money by him received from the State of North Carolina.

On the point last mentioned, the Board beg leave to Observe; that as the State of North Carolina will have Credit for the value of the Warrant on the Governor of the State at the time the same Issued, it would be improper to make any Allowance to the Memorialist on account of Depreciation; since thereby a double Charge would be constituted against the United States.

With respect to the payment of the Balance due on the last Appraisal; as the case of the Memorialist is of an extraordinary nature, being at present kept out of the occupation of his former Residence for the common Benefit of the Union, The Board submit to the Consideration of Congress the following Resolve:

That the Balance due to Stephen Moore on an Appraisement of Damages by him Sustained as Proprietor of West Point in pursuance of the Resolve of Congress of the 26th of September, 1783, be ascertained by the Comptroller of the Treasury; and that the Board of Treasury take order for discharging the same, in such way as the State of the Finances will best admit.

All which is humbly submitted.¹

July 14th, 1786.

OFFICE OF SECRETARY OF CONGRESS,
July 17th, 1786.

On the memorial of Andrew Huntington one of the Agents for the Sale of lottery tickets, praying to be allowed a reasonable Compensation for the trouble and service The Secretary of Congress reports That the memorial of And^w Huntington be referred to the board of treasury.²

Agreed to July 18

TUESDAY, JULY 18, 1786.

Congress assembled. Present as before.

On a memorial of Stephen Moore,

Resolved, That the balance due to Stephen Moore, together with the interest on an appraisement of Damages, by him sustained as proprietor of West Point, in pursuance of the resolution of Congress of the 25 September, 1783, be ascertained and certified in the usual manner by the comptroller

¹ This report, signed by Samuel Osgood and Walter Livingston, is in the *Papers of the Continental Congress*, No. 138, II, folio 169. According to indorsement it was read July 17 and on the "18 postponed and resolution substituted."

² This report is in the *Reports of the Secretary of Congress* No. 180.

JULY 17: The following committees were appointed: Mr. [Theodore] Sedgwick, Mr. [John] Lawrance and Mr. [William] Harrison, on the petition of Maurice Desdevens. See *post*, July 21.

Mr. [Rufus] King, Mr. [William] Grayson and Mr. [Charles] Pinckney, on the "Report of Sec^y for foreign Affairs on note of Don Diego de Gardoqui. Report was rendered September 11.

"Report of Dirk Van Ingen for depreciation" was referred to the Board of Treasury to report and report rendered August 4.

The report of the Secretary at War "on Mr [William] Grayson's Motion 21 June, 1786," was referred back to said Secretary "to report the Annual Expence of a legionary Corps of 1,500 men." A report was rendered July 31.

Committee Book No. 190.

of the treasury, and it is hereby recommended to the state of North Carolina to pay the same, and charge the amount to the United States.¹

And whereas the State of North Carolina is credited in the books of the treasury, 30,000 dollars, at the rate of 40 for 1, which was paid to the said Stephen Moore, when the Money was at a greater depreciation,

Resolved, That it be, and it is hereby recommended to the State of North Carolina, to make good the difference of depreciation on the 30,000 dollars, paid as aforesaid.

Resolved, That the Sec^y at war report whether it be expedient that west point in the state of N. York, should be further held by the U. S. as a fortified garrison a military post.²

The committee [consisting of Mr. John Cleves Symmes, Mr. Henry Lee and Mr. Rufus King] to whom was referred certain papers relative to Scotosh of the Wiandot tribe of Indians, report:

That your committee having had a conference with Scotosh find him willing to return immediately to his own Country with a message from Congress to the half king of the Wiandots his father, and to the chiefs of the nations of the Shawanoes and Delawares.

That previous to his departure it is proper that some presents be made to him by the Minister of war in the name of the United States, that Scotosh be furnished by the commissioners of the treasury—board with dollars in order to enable him and his two companions to return to his own country by the way of Fort-pit.

¹ This resolve, in the writing of John Haring and Rufus King, is in the *Papers of the Continental Congress*, No. 19, IV, folio 99. Haring's resolution provided that "in pursuance of the Resolve of Congress of the 26th of September, 1783, be ascertained by the Comptroller of the Treasury and that the Board of Treasury Draw upon the State of North Carolina to pay the sum Due out of the requisition for 1784." The remainder of the resolution, folio 101, is in King's writing and is indorsed "passed July, 1786." A list of papers relating to damages done to Stephen Moore's farm at West Point, is on folio 105.

² This motion, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 36, III, folio 291. According to indorsement it was offered July 18 and referred to the Secretary at War to report. According to *Committee Book No. 190*, he reported July 31.

Your committee for this purpose begs leave to submit to Congress the following resolutions.¹

WEDNESDAY, JULY 19, 1786.

Congress assembled. Present as before.

A memorial of A. H. Dorhman being read,

Ordered, That the Memorial of Mr. Dorhman, be referred to the board of treasury, and that they examine his claims and services, and report.

Ordered, That the Secretary of Congress and the Secretary for foreign Affairs, furnish the board of treasury with such documents and papers as may be in their respective Offices, evidential of the services and claims of the said Mr. Dorhman.²

The committee, consisting of Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [John] Lawrance, Mr. [Rufus] King and Mr. [Pierse] Long, to whom was referred a letter of 24 December, 1785, from J. Sullivan, late a Major general in the service of the United States, having reported:

That in consideration of the particular circumstances of Mr. Sullivan's case, and of the eminent services he has rendered the United States, he be allowed depreciation, and that it be recommended to the state of New Hampshire to settle with him in the

¹ This report, in the writing of John Cleves Symmes, is in the *Papers of the Continental Congress*, No. 30, folio 381. The recommended resolves were passed verbatim July 24 and are there spread on the Journal.

JULY 18: "Mem! And^w Huntington an Agent for selling lottery tickets for compensation for his services" was referred to the Board of Treasury.

The "Claim of J. Rubsamen for pay and bounty for making Salt petre" was referred to the Board of Treasury to report and report rendered July 26.

Committee Book No. 190.

² This order, in the writing of Rufus King, is in the *Papers of the Continental Congress*, No. 30, III, folio 285.

same manner, as if he had not resigned before the 10 April, 1780; and the same being postponed to take up the following proposition:

That it be recommended to the several States, to make good to all the officers and soldiers of the army, who left the service antecedent to the 10th day of April, 1780, their depreciation of pay respectively.¹

On the question to agree to this proposition, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	}no	Mr. Pettit,	no	}no
Long,	no		Bayard,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gorham,	no	}no	Mr. Henry,	ay	}ay
King,	no		Harrison,	no	
Sedgwick,	no		Ramsay,	ay	
Dane,	no				
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	no	}no	Mr. Grayson,	ay	}ay
Miller,	no		Monroe,	ay	
			Carrington,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Johnson,	no	}no	Mr. Bloodworth,	ay	}ay
Sturges,	no		White,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Lawrence,	ay	}no	Mr. Bull,	ay	}ay
Haring,	no		Pinckney,	ay	
Smith,	no		Parker,	no	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Symmes,	no	}no	Mr. Houstoun,	ay	}ay
Hornblower,	no		Few,	ay	

So it passed in the negative.

¹ The proposition is entered, in the writing of William Grayson and Samuel Livermore, on the same paper as the report of the committee, which was read February 7, 1786, and is in No. 19, V, folio 455. See *ante*, February 7.

On the question to agree to the report of the committee, the yeas and nays being required by Mr. [Samuel] Livermore,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>	
Mr. Livermore,	ay	}ay	Mr. Pettit,	ay
Long,	ay		Bayard,	no
<i>Massachusetts,</i>			<i>Maryland,</i>	
Mr. Gorham,	no	}no	Mr. Henry,	no
King,	ay		Harrison,	no
Sedgwick,	no		Ramsay,	ay
Dane,	no			
<i>Rhode Island,</i>			<i>Virginia,</i>	
Mr. Manning,	no	}no	Mr. Grayson,	no
Miller,	no		Monroe,	no
			Carrington,	no
			Lee,	no
<i>Connecticut,</i>			<i>North Carolina,</i>	
Mr. Johnson,	ay	}div.	Mr. Bloodworth,	no
Sturges,	no		White,	no
<i>New York,</i>			<i>South Carolina,</i>	
Mr. Lawrance,	ay	}no	Mr. Bull,	no
Haring,	no		Pinckney,	ay
Smith,	no		Parker,	ay
<i>New Jersey,</i>			<i>Georgia,</i>	
Mr. Symmes,	no	}div.	Mr. Houstoun,	ay
Hornblower,	ay		Few,	no

So the question was lost.

Whereas it appears from a certificate of John Pierce Esqr., late P. M. G. of the army of the U. S., that Ten thousand two hundred and seventy-six and $\frac{12}{60}$ Dollars being the balance of three months pay due the subalterns and two months due the officers of other grades in 1782, and four months due the officers in 1783 of the South Carolina line and of the hospital department still remains unpaid, And

Whereas it is just and reasonable that the said balance should be paid with all convenient dispatch, Therefore

Resolved, That the board of treasury take order to pay, as soon as the situation of the finances will admit, to the said officers of the South Carolina line when demanded by them or by their agents

such balances as shall appear to be due them, respectively, from the certificate of the said Pay master G¹ of the two months pay in 1782 and four months in 1783 above mentioned.¹

THURSDAY, JULY 20, 1786.

Congress assembled. Present as before.

Congress resumed the consideration of an Ordinance on Indian affairs, and a motion was made by Mr. [William] Few, seconded by Mr. [Timothy] Bloodworth, to amend the same by inserting the following proviso, viz.

Provided that when it shall appear necessary to hold a treaty or treaties with any nation, town or tribe of Indians, within the boundary or limits of any of the States, a communication shall, in the first instance, be made to the legislature or executive of the State within whose limits such Indians are, notifying the time, place, and object of such treaty; and the said Superintendant shall have full power to negotiate and treat with the said Indians on all matters relative to peace and war, agreeably to such instructions as he may receive; provided also, that the legislative right of any state be not infringed or violated, and that on all matters respecting the regulation of trade, or internal policy in which the retained sovereignty, jurisdiction or legislative right is concerned, the Superintendant shall advise,

¹ This motion, in the writing of Charles Pinckney, is in the *Papers of the Continental Congress*, No. 20, II, folio 237. According to indorsement it was offered July 19 and "Referred to the board of treasury to report generally on the case of those mentioned in the motion and all others in similar circumstances." According to *Committee Book No. 190*, a report was rendered July 27.

JULY 19: The committee of March 16, 1786, on a "motion for reduction of civil list" was this day renewed as Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [Theodore] Sedgwick and Mr. [Jonathan] Sturges. See *post*, September 18.

The memorial of Abraham Whipple was referred to the Board of Treasury and a report rendered October 10.

The petition of Thomas Smart for relief from suffering caused by illness contracted in the line of duty was read and referred to the Board of Treasury which reported July 26. The petition is in No. 42, VII, folio 253.

On this day Mr. [Nathan] Dane was appointed on the committee of March 27, in place of Mr. [John] Kean, to which was recommitted on July 13 the report on the temporary government for Western Territory.

consult with, and obtain the approbation of such state, or some person or persons duly authorised on the part of the said State to assent thereto, before any treaty or act touching the premises shall be considered as valid.¹

On the question to agree to this Amendment, the yeas and nays being required by Mr. [William] Few and Mr. [Timothy] Bloodworth,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	}no	Mr. Pettit,	no	}no
Long,	no		Bayard,	no	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gorham,	no	}no	Mr. Henry,	no	}no
King,	no		Harrison,	no	
Sedgwick,	no		Ramsay,	ay	
Dane,	no				
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Manning,	no	}no	Mr. Grayson,	no	}no
Miller,	no		Monroe,	no	
<i>Connecticut,</i>			Carrington,	no	
Mr. Johnson,	no	}no	Lee,	no	
Sturges,	no				
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Lawrance,	ay	}ay	Mr. Bloodworth,	ay	}ay
Smith,	ay		White,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Symmes,	no	}no	Mr. Pinckney,	no	}no
Hornblower,	no		Huger,	no	
			<i>Georgia,</i>		
			Mr. Houstoun,	ay	}ay
			Few,	ay	

So it passed in the negative.

The Committee [consisting of M^r Josiah Hornblower, M^r John Cleves Symmes, M^r Melaneton Smith] to whom was referred the Memorial of Capt. Daniel Baldwin, with the report of the Secretary at war and board of Treasury thereon report:

That after a careful examination of the papers accompanying the memorial, it appears to the Committee Cap^t Daniel Baldwin was in July, 1781, stationed at Newark in New Jersey by brigadier General

¹ This motion, in the writing of William Few, is in the *Papers of the Continental Congress*, No. 36, III, folio 293.

Dayton, in consequence of an Order from his Excellency the Commander in chief, for the purpose of obtaining intelligence from within the Enemy's lines at New York; and that he continued on that station until January, 1783.

It also appears to the committee from sundry Letters that the memorialist had been diligent and faithful in his exertions for obtaining those objects for which he was employed, the nature of which service, necessarily subjected him to considerable expences and disbursements an account of which, he has exhibited amounting to 643⁵/₁₀ dollars, attested by his oath and vouchers to the amount of 121 dollars; for which he has not been compensated.

Besides the above sum of 643⁵/₁₀ dollars, a general charge is made by the memorialist for services rendered during the above period but without any sum annexed.

On this statement, the Committee beg leave to submit the following Resolve.¹

FRIDAY, JULY 21, 1786.

Congress assembled. Present, as before.

Congress resumed the consideration of the Ordinance respecting Indian Affairs; and the following paragraphs being under debate:

They (the Superintendants) shall have authority to place deputies among the several tribes, and to remove all or either of them for misbehaviour; to grant licenses to traders.

A motion was made by Mr. [William] Houstoun, seconded by Mr. [Timothy] Bloodworth, to strike out the words "grant licenses to traders;" and on the question, shall those

¹ This report, in the writing of Josiah Hornblower, is in the *Papers of the Continental Congress*, No. 19, I, folio 201. According to indorsement it was read July 20 and passed October 13. The resolve recommend is there spread verbatim on the Journal. In the report the amount to be paid Baldwin is left blank.

On this day, according to indorsement, was read the report of the Board of Treasury, dated July 19, on their letter of June 29 and sundry letters from Thomas Smith, Commissioner of Loan Office of Pennsylvania. It is in No. 139, folio 329, and is indorsed as made the "Order of the day for Monday July 24, 1786," where it is spread *verbatim* on the Journal.

words stand? the yeas and nays being required by Mr. [William] Houstoun,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	} div.	Mr. Pettit,	ay	} ay
Long,	ay		Bayard,	ay	
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gorham,	ay	} ay	Mr. Henry,	ay	} ay
King,	ay		Harrison,	ay	
Sedgwick,	ay		Ramsay,	ay	
Dane,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Grayson,	ay	} ay
Mr. Manning,	ay		Monroe,	ay	
Miller,	ay		Carrington,	ay	
<i>Connecticut,</i>			Lee,	ay	
Mr. Johnson,	ay	} ay	<i>North Carolina,</i>		
Sturges,	ay		Mr. Bloodworth,	no	} no
<i>New York,</i>			White,	no	
Mr. Haring,	ay	} ay	<i>South Carolina,</i>		
Smith,	ay		Mr. Bull,	ay	} ay
<i>New Jersey,</i>			Pinckney,	ay	
Mr. Symmes,	ay	} ay	Parker,	ay	
Hornblower,	ay		<i>Georgia,</i>		
			Mr. Houstoun,	no	} no
			Few,	no	

So it was resolved in the affirmative.

The Secretary of the United States for the department of war to whom was referred the memorial of Colonel William Malcolm, Reports the following state of facts, viz^t:

That on the 19th of June, 1778, Congress resolved "That Colonel William Malcolm deputy adjutant general in the army now under the command of Major General Gates, be permitted to hold his rank in the army and his regiment, if the same should be kept up in the new arrangement now making."

That he exercised the office of deputy adjutant general about one month after the above resolve, when in the junction of the armies under the commander in chief and major general Gates, he was ordered to West Point of which post he took the command.

That in May, 1779, his regiment (one of the sixteen additional regiments) was incorporated with the regiment commanded by Colonel Spencer, to whom the command was given.

That after this period he was employed on the following occasional services:

1st He was directed by governor Clinton, on the 1st of June to repair to West Point and take command of the militia of the counties of Orange and Ulster, which orders he executed, until the militia returned home, during a space of about five weeks.

2nd After an interval of about two months, he was again ordered out by the same authority to command the militia for a three months tour of duty; which service he performed.

3rd In the year 1780 the State of New York raised several regiments of levies, as they were called; Colonel Malcolm was appointed to the command of one of them by governor Clinton. He continued in this service from July, 1780, to February 13th, 1781, and received from the State about three months pay.

On this statement your Secretary remarks, that it appears from the papers accompanying this report, that governor Clinton considered colonel Malcolm as a continental officer during the years 1779 and 1780. The colonel considered himself continued in service in the line of the army, by virtue of the resolution of Congress of June 19th, 1778, on which his claim solely rests, as appears by his letter to governor Clinton transmitted to Congress 15th Nov. 1780, and now on their files. Although there are several letters herewith submitted from the commander in chief, yet there is no evidence, whether he considered Colonel Malcolm as a State or Continental officer. But it appears that doubts have arisen respecting his continental rank, application was made to Congress, by governor Clinton in the beforementioned letter of Nov^r 15th 1780, which produced the explicit resolution of the 8th of January, 1781.

Your Secretary is not to presume that Congress in forming this decision, did not advert to their resolution of the 19th of June, 1778, and fully consider its import. He therefore conceives it would be improper for him, in the statement here made to attempt a different construction of the aforesaid resolve of the 19th June, 1778, and of

consequence improper to report, a repeal of the resolution, of the 8th of January, 1781.

All which is humbly submitted to Congress.

H. KNOX.¹

War Office, July 20th, 1786.

MONDAY, JULY 24, 1786.

Congress assembled. Present, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Connecticut, Mr. [William Samuel] Johnson.

On a report relative to the capture of the Sloop Chester, and a note from the minister plenipotentiary of the United Netherlands in behalf of the Owners or claimers of the said

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 199. According to indorsement it was read July 21.

JULY 21: The following committee was appointed: Mr. [Timothy] Bloodworth, Mr. [James] Manning and Mr. [Nathan] Miller, on a "Memorial of George Fisher for payment of certificates." See *post*, August 28. Fisher's memorial is in No. 41, III, folio 338 and, according to indorsement, was read this day.

"N. Adams letter to Mr. [Samuel] Livermore with petition of Jos. Abbot for 500 dollars &c" was referred to the Board of Treasury to report and report rendered August 22. Papers in the Abbott case which was carried over from 1784 are in No. 78, I, folios 481-491.

The letter of the Secretary at War, dated July 21 "and the proceeding of the court of Enquiry respect^g Major Wylls" were referred back to said Secretary to report and report rendered July 25.

The committee of July 17 on the petition of Maurice Desdevens was "discharged, the Chairman having verbally reported that the petition has no just claim on the justice or generosity of Congress." A letter from Desdevens, dated July 21, the cause of his action, was read this day, it is in No. 78, VIII, folio 179.

Committee Book No. 190.

Also, according to indorsement, was read a petition of Elisha Ransom, dated Northampton, February 16, 1785, praying payment of the reward offered by Congress for detecting forgeries of the final settlement certificates of the army. It is in No. 41, VIII, folio 373 and was referred to the Board of Treasury which reported September 1, 1786.

Also was read a letter from Thomas Hutchins dated July 8, 1786, announcing his arrival at Fort Pitt and measures taken to begin the survey of Western territory. It is in No. 60, folio 245.

sloop, being in Holland, and other papers relative to the property, capture and condemnation thereof,

Resolved, That the court of appeals be, and they are hereby authorised and empowered, upon application made to them by the owners or claimants of the said Sloop Chester, her appurtenances and cargo, at their session in November next, to examine and determine, by way of appeal, upon the merits of the said application for a new trial; and if, in the opinion of the said court, there should appear just cause to rehear, try, adjudge and determine respecting the capture and condemnation thereof, and to reverse the decree of the court of admiralty of South Carolina, in whole or in part, or to affirm the same, with costs, as to law and justice shall appertain; and that this resolution be published, and shall be deemed and taken as notice to the parties concerned, that the said cause will be tried and determined at that time.

Congress resumed the consideration of the Ordinance respecting Indian affairs; when a motion was made by Mr. [William] Few, seconded by Mr. [Timothy] Bloodworth, to amend the ordinance by adding these words:

Provided that this ordinance shall not be construed to operate so as that the legislative right of any state within its own limits be infringed or violated.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson, to postpone the consideration of this amendment, in order to amend the preamble by adding thereto these words:

And whereas the United States in Congress assembled, under the 9th of the Articles of Confederation and perpetual Union, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State, within its own limits, be not infringed or violated.

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Timothy] Bloodworth,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no	}div.	Mr. Henry,	ay	}ay
Long,	ay		Harrison,	ay	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	ay	}ay	<i>Virginia,</i>		
King,	ay		Mr. Grayson,	ay	}ay
Dane,	ay		Monroe,	ay	
<i>Rhode Island,</i>			Lee,	ay	
Mr. Manning,	ay	}ay	<i>North Carolina,</i>		
Miller,	ay		Mr. Bloodworth,	no	}no
<i>Connecticut,</i>			White,	no	
Mr. Johnson,	ay	}*	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Pinckney,	ay	}ay
Mr. Haring,	no		Parker,	ay	
Smith,	no	}no	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Houstoun,	no	}no
Mr. Symmes,	ay		Few,	no	
Hornblower,	ay	}ay			
<i>Pennsylvania,</i>			Mr. Pettit,	ay	}ay
Mr. Pettit,	ay		Bayard,	ay	

So it was resolved in the affirmative.

The preamble being amended, the Ordinance was read a second time:

An Ordinance for the regulation of Indian Affairs

Whereas the safety and tranquility of the frontiers of the United States, do in some measure depend on the maintaining a good correspondence between their citizens and the several nations of Indians in amity with them: And whereas, the United States in Congress assembled, under the 9th of the articles of confederation and perpetual union have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits, be not infringed or violated.

Be it ordained by the United States in Congress assembled, That from and after the passing of this ordinance, the Indian department be divided into three districts, viz.: The *Eastern* which shall comprehend all the tribes residing within the district of country lying south and east of the lakes Ontario and Erie, as far westerly as Presquisle, French Creek and Allegheny river, below the mouth of French Creek, and as far southerly as the Kittaning, and from thence northeasterly to the lakes George and Champlain, and northerly to 45° north latitude: The *Western, or Middle Department*, which shall comprehend the nations within the limits of the United States, north-west of the Ohio and west to the Mississippi; the *Southern*, which shall include all the nations south of the Ohio within the limits of the United States.

That a superintendant be appointed for each of the said districts, who shall reside within or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said superintendants shall attend to the execution of such regulations as Congress shall from time to time establish, respecting Indian affairs. They shall have authority to place deputies among the several tribes and to remove all or any of them for misbehaviour, and also grant licenses to traders.

There shall be communications of all matters relative to the business of the Indian departments kept up between the said superintendants, who shall regularly correspond with the Secretary at War, through whom all communications respecting the Indian department shall be made to Congress: And the said superintendants are hereby directed to attend to all instructions which they shall from time to time receive from the said Secretary at War. And whenever they shall have reason to suspect any tribe or tribes of Indians of hostile intentions, then, and in those cases, they shall communicate with the executive of the state or states, whose territories are subject to the effects of such hostilities. All stores, provisions or other property, which Congress may think necessary for the support of, or for presents to the Indians, shall be in the custody and under the care of the said superintendants, who shall render an annual account of the expenditures of the same to the Board of Treasury.

And be it further ordained, that none but citizens of the United States shall be suffered to reside among the Indian nations, or be allowed to trade with any nation of Indians within the territory of

the United States. That no person, citizen or other, under penalty of five hundred dollars, shall reside among, or trade with any Indian or Indian nation within the territory of the United States, without a license for that purpose first obtained from the superintendant of the district, who is hereby directed to give such license to every person, who shall produce from the supreme executive of any state a certificate that he is of good character and suitably qualified and provide for that employment; for which license he shall pay the sum of fifty dollars to the said superintendant for the use of the United States. That no license to trade with the Indians shall be granted to any but citizens of the United States; nor shall any such license be in force for a longer term than one year; nor shall permits or passports be granted to any other persons than citizens of the United States to travel through the Indian nations, without their having previously made their business known to the superintendant of the district and received his special approbation. That previous to any person or persons obtaining a license to trade as aforesaid, he or they shall give bond and security in one thousand dollars, to the superintendant of the district, for the use of the United States, for his or their strict adherence to, and observance of such rules and regulations as Congress may from time to time establish for the government of the Indian trade: That no person or persons shall open goods for sale, or dispose of goods to any Indian or in any Indian village or hunting camp, or other place than the post or place mentioned in his or their license, except to purchase provision, provender for horses, or to obtain such other assistance as may be necessary in passing to or from the place or places assigned for them to trade at. That no trader or other person for him, shall give or sell spiritous liquor to any Indian or Indians, at any garrison or post of trade in such quantity as to intoxicate them while there, nor shall any trader or person for him deliver liquor purchased by an Indian within five miles of a garrison or post of trade. Any trader, or other person employed by a trader, treating an Indian in an unjust manner, shall, on due proof thereof being made before the superintendant, be deprived of his license, or fined by the judgment of the said superintendant, according to the nature of his offence, in any sum not exceeding one hundred dollars. All sums to be received by the said superintendants, either for licenses or fines, shall be annually accounted for by them with the Board of Treasury.

And be it further ordained, That the said superintendants shall not be engaged either directly or indirectly in trade with the Indians, on pain of forfeiting their offices, and each of them shall take the following oath, previous to his entering on the duties of his appointment: I, A. B. do swear that I will well and faithfully serve the United States, in the office of superintendant of Indian affairs for the district. That I will carefully attend to all such orders and instructions as I shall from time to time receive from the United States in Congress assembled, or the Secretary at War; that I will not be concerned either directly or indirectly in trade with the Indians, or with any other persons whatsoever, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favour, or affection. And the said superintendants shall each of them give bond with surety, to the Board of Treasury, in trust for the United States, in the sum of six thousand dollars, for the faithful discharge of the duties of their office.¹

Ordered, That Wednesday next be assigned for the third reading.

On the report of a committee, consisting of Mr. [John Cleves] Symmes, Mr. [Henry] Lee and Mr. [Rufus] King, to whom was referred a letter and other papers relative to Scotosh, of the Wyandot tribe of Indians,

Resolved, That goods to the amount of one hundred dollars, be purchased by the Secretary at War and presented to Scotosh and his companions, in testimony of the friendship of the United States towards the half king, the father of Scotosh, and the Wyandot Nation, and that the Secretary at War take Order accordingly.

¹ This form of the Ordinance is in No. 56, folio 467. It is a broadside which was printed for use on "Wednesday next." It bears changes in ms. in the writing of Charles Thomson, which brings it into the form agreed upon on the 3d reading, July 26.

Resolved, That Scotosh be furnished with fifty dollars to defray his expenses in returning to his own Country; and that the Board of treasury take order accordingly.¹

Resolved, That the following message be sent by Scotosh to the Wyandot, Delaware, Shawanese, and Huron Nations of Indians:

“Brothers of the Wyandot, Delawares, Hurons, and Shawanese, The United States are happy that our good brother the half King of the Wyandots hath thought proper to send his son Scotosh to Congress with a message full of friendship and love and withal to inform Congress that though matters are at peace and quiet among the Wyandots, Delawares, Shawanese, and Hurons, yet that there are bad men among the Wabash, Twightwee, and Miami Nations who perhaps may attempt to interrupt the Surveyors of the United States.

“Brothers, We thank you for your good advice and kind intentions of abiding in peace with the United States.

“Brothers, We shall be sorry if any of the Wabash, Twightwee, or Miami Nations should so far lose sight of their own true interest as to strike the Surveyors of the United States: But if they do, the warriors of the United States are strong and will soon strike them in their towns and make them repent of their folly. But Congress is willing to take the Wabash, the Twightwee, and Miami Nations by the hand as brothers, whenever they will come to fort Pitt.

“Brothers, Congress will take care to keep the path plain and open that our brothers of every Nation of indians may come to the great Council of the United States in Order to make the chain of friendship strong and bright.”²

¹ In the report of the committee, read July 18, *q. v.*, the amounts of 100 dollars and 50 dollars were left blank.

² This speech is in No. 30, folio 381, and forms a part of the report of July 18, *q. v.* Like the report proper, it is in the writing of John Cleves Symmes.

OFFICE OF SECRETARY OF CONGRESS,
July 24, 1786.

On a petition of Timothy Devine stating that he furnished the army of the U. S. with sundry articles; that he deposited his Accounts in the hands of M^r Barber where they still lye and praying that they may be examined and that the amount may be paid him to relieve his present distress.

The Secrétary of Congress reports That the petition of Timothy Agreed to 23 July. Devine be referred to the board of treasury.¹

TUESDAY, JULY 25, 1786.

Congress assembled. Present as yesterday.

The board of treasury, to whom was referred their letter of the 29 June last, together with sundry letters from the Comptroller of the State of Pennsylvania, to Thomas Smith, Esq^r Commissioner of the loan Office in the said state, having reported,

That the act of the State of Pennsylvania of the 8th of March, 1786, directs their treasurer to pay to the order of the United States, such a sum in specie as, together with the sums paid on Account of the requisition of the 27 and 28 April, 1784, and 27th September, 1785, would make the sum of 557,091 dollars: That the specie sums required of the State of Pennsylvania, by the acts of Congress of 30th October, 1781, 27th and 28 April, 1784, and 27 September, 1785, amount to 643,749 dollars, so that the deficiency of specie unpro-

¹ This proceeding is entered in *Reports of the Secretary of Congress*, No. 180.

JULY 24: The "Letter 23 July, 1786, M. Duplessis" was read and referred to the Secretary for Foreign Affairs to report and report rendered July 27.

"Letter 9 May J. P. Jones" was referred to the Board of Treasury. It is in No. 168, II, folio 347 and reports on the prize claims against Denmark, the payment by Frauce of the prize money on account of the *Bon Homme Richard* and the *Alliance* and Jones' expences in prosecuting these claims.

"Letter 12 feby M^r Dumas" was referred to the Board of Treasury.

The Committee of July 6 on the report of the Board of Treasury on the requisition for the year 1786 was, this day, discharged.

Committee Book No. 190.

Also, according to indorsement, was read a letter of July 21 from the Secretary for Foreign Affairs, forwarding a letter of May 22 from Thomas Jefferson. It is in No. 80, III, folio 41. Jefferson's is in No. 87, I, folio 363 and relates to the diplomatic appointment of C. W. F. Dumas.

vided for by the act aforesaid, is 86,658 dollars. On an attentive perusal of this act, we find that it does not, by a literal construction, include payments made under the act of the 30th October, 1781; and previous to the requisition of the 27th and 28 of April, 1784; but from the connexion which exists betwixt the acts last mentioned, and from the sum in specie directed to be paid, it cannot be doubted, but the law had in contemplation, the payments made previous to the requisition of the 27 and 28 April, 1784, since; by a different construction, the act would provide for the sum of 259,975 dollars more than the acts of the 27 and 28 April, 1784, and of the 27 September, 1785, require of the State. For by the acts first mentioned, is required of the State in Specie, 160,323 dollars, and by the act of 27 September, 1785, 136,793, making 297,116 dollars. The excess of provision on this construction of the act is 259,975 to make 557,091.

When to these circumstances, is added the construction, which as the board have been informed, the State of Pennsylvania is disposed to make on the requisitions of the 27 and 28 April, 1784, it will appear clearly that the legislature had in contemplation, by the act above mentioned, the payments made to the general treasury, previous to the 27 of April, 1784. For as this board have observed in their letter to Congress, of the 29 of June last, the State claims a right of placing to the account of facilities, one fourth part of their whole quota, of the moiety of 8 millions of dollars, required by the act of Congress of the 30th October, 1781; instead of confining it to one fourth part of the balance which was due on the said moiety on the 27 April, 1784. This construction of the State, if admitted, would create a difference in the specie payments from the State of Pennsylvania, of 86,658 dollars, the exact amount of the deficiency of the specie provision as directed by their Act of the 8th of March last.

On the whole, the board beg leave to observe, that as the act may be so construed as to make a full provision for the requisition of the 27 September last, and as the state of Pennsylvania ranks among the foremost of the states in a compliance with federal requisitions, they are of opinion, that the continuation of the issue of indents in that state would not be improper; provided that such emission of indents be not considered as warranting that construction of the requisition of the 27th and 28th of April, 1784, which the state has thought proper to make, and by which construction 86,658 dollars in specie, due to the United States upon that requisition, has not been provided for in the legislative act of the said state, of the 8th of March last.

They therefore submit to the consideration of Congress the following resolve, viz. That the Commissioners of the board of treasury be authorised and directed, to give orders for the continuation of the issue of indents of interest in the state of Pennsylvania, agreeably to the requisition of the 27th September last; provided that such emission of indents be not considered as warranting that construction of the requisition of the 27 and 28th of April, 1784, which the state has thought proper to make, and by which construction 86,658 dollars in specie, due to the United States upon that requisition, have not been provided for in the legislative act of the said state, of the 8th of March last.

A motion was made by Mr. [Charles] Pettit, seconded by Mr. [John Bubenheim] Bayard, that the above report be referred to the Board of treasury to take Order. And on the question to agree to this motion, the yeas and nays being required by Mr. [William] Grayson,

<i>New Hampshire,</i>			<i>Maryland,</i>	
Mr. Livermore,	no	}no	Mr. Henry,	no
Long,	no		Harrison,	no
<i>Massachusetts,</i>			Ramsay,	no
Mr. Gorham,	no	}no	<i>Virginia,</i>	
King,	no		Mr. Grayson,	no
Sedgwick,	no		Monroe,	no
Dane,	no		Carrington,	no
<i>Rhode Island,</i>			Lee,	no
Mr. Manning,	no	}no	<i>North Carolina,</i>	
Miller,	no		Mr. Bloodworth,	no
<i>Connecticut,</i>			White,	no
Mr. Johnson,	no*		<i>South Carolina,</i>	
<i>New York,</i>			Mr. Bull,	no
Mr. Haring,	no	}no	Pinckney,	no
Smith,	no		Huger,	no
<i>New Jersey,</i>			Parker,	no
Mr. Symmes,	no	}div.	<i>Georgia,</i>	
Hornblower,	ay		Mr. Houstoun,	no
<i>Pennsylvania,</i>			Mr. Few,	no
Mr. Pettit,	ay	}ay		
Bayard,	ay			

So it passed in the negative.

The Secretary of the United States for the department of war to whom was referred his letter of the 21st of July, 1786, with the proceedings of a court of enquiry respecting Major Wyllys, Reports:

That it appears from the evidence contained in the proceedings of the said court, that the crime of desertion, had infected the troops at Fort M^eIntosh in such a manner, as to threaten the total dissolution of the garrison.

That the number of commissioned officers present, were inadequate to form a general court martial, according to the then articles of war; and that the punishment of death, could be inflicted only by such a court.

That the lesser punishments had been administered, but without producing the desired effect, of checking the desertions.

That in order to hold up to the view of the troops, the highest punishment which could be inflicted by any court martial, Major Wyllys, the commanding officer, assembled a court martial of the greatest number of commissioned officers which the state of the garrison could admit, thereby affording every solemnity in his power to the investigation of crimes.

That a court thus constituted did on the 23rd January, 1786, try two soldiers for desertion, and condemn them to suffer death. That the commanding officer approved and published the sentence to the troops and also forwarded the proceedings of the said court, to the Secretary at war for confirmation.

That notwithstanding the solemnity of this trial, The vigorous confinement of the prisoners in irons, and their condemnation to death, yet three others deserted immediately after the publication of said sentence; such was the incredulity of these unhappy men with respect to the execution of those under sentence of death, and such their fixed determination to violate their engagements to the public, although ratified with the sacred obligation of an oath.

This circumstance proving, that neither the legal punishments within his power, nor the threatened execution by virtue of the aforesaid sentence were sufficient to restrain the troops from deserting, Major Wyllys, the commanding officer, had recourse at once to capital punishment and with the concurrence and approbation of all the officers of the garrison, ordered the three beforementioned deserters who were apprehended to be put to death, as a terror to the rest of the troops.

On these facts your Secretary observes, That the want of pay, could not have been urged with propriety, by any of Captain Strong's company as an extenuation of the crime of desertion, as that company has been but recently recruited, and previous to its march from West Point on the 20th of November, had received two months pay, besides new uniform clothing for a year ensuing. One of the deserters who suffered, enlisted on the 15th of November and deserted about the 25th of January, therefore his arrearages of pay were very trifling.

That the facility, and impunity with which desertion could be effected, operated contagiously on the minds of the troops and required an immediate and decisive remedy. Had it been possible to have assembled a general court martial, it is highly probable that the deserters would legally have been condemned to death.

That in case of a mutiny no doubt could be entertained of the propriety of inflicting instant death on the mutineers. The principles on which an army is constituted, the indispensable necessity of subordination and obedience, without which troops become the scourge and tyrants instead of the necessary servants of a state; together with the practice of all ages and countries to justify and support this doctrine. The evidence in the proceedings of the court of enquiry proves the soldiers of the garrison to have been in a situation, little short of open mutiny. Hence arises the important consideration, whether the commanding officer knowing the sentiments and designs of the troops should await until the smothered flame, burst out into open mutiny, or by a vigorous extra-judicial procedure, prevent the evils apprehended?

That this was the case of Major Wyllys appears from the proceedings of the court of enquiry. The address of the officers, and his own address to the court.

Assuming therefore the proceedings of the said court; and the papers accompanying the same as evidence on the case; considering the impossibility of forming a legal general court martial; Estimating the importance of the station of the troops on the Ohio to the national interest, and dignity, and the inevitable disgrace and injury which would have resulted from a mutinous disbandment, Your Secretary is of opinion, that Major Wyllys was involved in one of those exigencies, which arise in the affairs of men, where the motives and intentions constitute in equity, the character of the action, and therefore it being apparent that his conduct was dictated by a regard for the public service, it is justifiable on military and political principles.

But as the soldiers were put to death within the state of Pennsylvania to whose laws it may be alledged that Major Wylls is amenable in this instance it therefore may be improper for Congress to express their sense respecting the aforesaid event.

But Major Wylls not being criminal in a military point of view and not being liable to be tried by a court martial for the transaction of the 25th of January, last, Your Secretary submits to Congress the consideration of the propriety of releasing the said Major Wylls from his arrest, especially as in case of his being demanded by the civil authority he will be as liable to its jurisdiction as if in arrest.

On these principles and reasonings the following resolution is formed.¹

WEDNESDAY, JULY 26, 1786.

Congress assembled. Present as before.

The Board of Treasury to whom was Referred the Memorial of Jacob Rubsamen of the State of Virginia, Beg leave to Report:

That it appears by an original Contract dated the 4th December, 1775, produced to this Board, that Henry Wisner, Charles Humphreys, and George Wythe (stiling themselves a Committee of Congress for promoting the Manufacture of Salt Petre) entered into an Agreement with the said Rubsaman, by which they engaged to allow him two Dollars per Day for every day (Sundays included) which he should be employed in Superintending the Manufacture of Salt Petre in the State of Virginia, under the inspection of certain Gentlemen for such purpose appointed in the State of Virginia by the Resolve of Congress of the 10th November, 1775, exclusive of One hundred Dollars advanced to him for the purchase of a Horse &c, and his Travelling Expences to the State of Virginia.

It is to be observed, however, that it cannot be ascertained by the Printed Journals of Congress, that the Gentlemen who Signed this Contract in behalf of the United States were Members of the Committee for Promoting the Manufacture of Salt Petre; although

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 203. According to indorsement it was read January 25 and passed August 4, where the resolve submitted is spread *verbatim* on the Journal.

On this day, according to *Committee Book* No. 190 and *Reports of the Secretary of Congress* No. 180, the petition of Timothy Devine was referred to the Board of Treasury.

from the respectability both of the Characters who Signed the Contract and of the Evidences to it, the presumption is that they were duly authorised to enter into such Engagements on the part of the United States, although their Appointment to the Committee is not noticed on the Printed Journals.

That it further appears by the said Contract that all the Salt Petre produced under the direction of the said Rubasman and delivered to the Committee in the State of Virginia, was to be paid for at the prices stipulated in the Resolve of Congress of the 10th of November, 1775. In consequence of the above recited Agreement, the said Rubsaman proceeded to the State of Virginia; and on the 13th December, 1776, the Committee in the State of Virginia took under consideration the state of the Salt Petre Works under the direction of M^r Rubsaman and Reported in the manner following: "That M^r Rubsamen had attended all the Warehouses at the "falls of James and Appomatox Rivers, and after Instructing Doctor Bland and the Managers at the aforesaid Warehouses" he had exerted himself to diffuse that most useful Art through the Country; but they could not say his endeavors had been attended with the desired Success among the Planters who could with difficulty be diverted from their accustomed way in life."

The Board beg leave to observe, that it does not appear that M^r Rubsamen delivered any Salt Petre manufactured under his direction to the Committee in the State of Virginia above mentioned; or that any Works were Erected in consequence of the Contract made with M^r Rubsamen. The attention of that Gentleman appears to have been confined from the date of his Contract to the 13th December, 1776, in Instructing the Manufactures of Salt Petre in the State of Virginia who sold the Salt Petre by them Manufactured on their own account to the State of Virginia; the price paid by the State being higher than that offered by the United States.

It does not appear in Evidence to this Board that after the date of this Report M^r Rubsamen was employed in the Service of the United States in consequence of the Contract entered into with the Committee of Congress. The term to which the Committee in Virginia was limited to Superintend the purchase and Manufacture of Salt Petre on account of the United States, was Twelve Calender Months computed from the date of their Appointment; and as the said Committee at the expiration of this term reported on the result

of M^r Rubsamen's Commission, the presumption is that they conceived the Execution of that Gentlemans Contract was limited to the period of their Commission.

Under these circumstances the Board submit to the consideration of Congress the following Resolve:

That there be allowed to Jacob Rubsamen the Sum of Seven hundred and thirty Dollars in full for his Services in Superintending for the Space of Twelve Calender Months the Manufacture of Salt Petre in the State of Virginia, in pursuance of a certain Contract entered into with the said Rubsamen on the 4th December, 1775; exclusive of the Sum of One hundred Dollars advanced on Signing the aforesaid Contract and his necessary Travelling Expences to the State of Virginia.¹

July 24th, 1786.

The Board of Treasury to whom was referred the Memorial of Richard Gridley of the State of Massachusetts, Beg leave to Report:

That the Memorialist states, that in the month of May, 1775, being then acting under a Commission of the State of Massachusetts, as Colonel of a Regiment of Artillery, he was furnished with a Horse and Sulky, for the purpose of conveying himself and his Surveying Instruments, to such Places as the Public Service should require, by Major Brown who was employed to provide the Army with such Articles as they might want. That the Horse so furnished was Killed at the Battle of Bunker's Hill, and the Sulky (being kept in the Public Service 'till the Year 1780) rendered altogether useless.

That Major Browne having applied to the State of Massachusetts for the payment of the said Horse and Sulky, was refused payment, and that in consequence he commenced a Suit against the Memorialist and has recovered Judgment for Fifty Pounds Lawful Money of Massachusetts, which Sum he has been obliged to Pay.

On the above Memorial the Board observe that Colonel Gridley was not an Officer in the Service of the United States, at the time the said Horse and Sulky was furnished by Major Brown.

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 297. It is indorsed by Charles Thomson: "N. B. on the 13 febr 1777 Mr. Rubsamen was paid for the time and service above mentioned." Rubsamen's petition is in No. 42, VI, folio 522, and the letter of the Board of Treasury forwarding the report is indorsed: "July 27 postponed. The papers of Rubsamen withdrawn and delivered to Mr. Grayson by order of Congress."

That by the Application made to the State for payment, it appears that the Person who furnished the said Horse and Sulky did not conceive it a proper charge against the United States.

The Board are therefore of Opinion, that the Claim of the Memorialist cannot be allowed, without establishing a precedent which would subject the General Treasury to a multitude of Claims, with which the Union are not chargeable, and submit to the Judgment of Congress the following Resolve:

That the Claim stated in the Memorial of Colonel Richard Gridley, cannot be admitted as a proper charge against the United States.¹

July 24th, 1786.

The Board of Treasury to whom was Referred the Memorial of Thomas Smart late a Captain in the 13th Massachusetts Regiment Beg leave to Report,

That no precedent has yet been Established for allowing to Officers of the late Army who resigned their Commission, the same privileges as those Officers were entitl'd to, who were constrained to quit the Service in consequence of Reforms, or who continued in it to the end of the War,

That however forcible the reasons might be which obliged the Memorialist to quit the Service, or which have induced him to make the present Application; the Claim, if once admitted, would open a door to innumerable pretensions, whose merits could not be ascertained, without entering into distinctions of an odious and improper nature; and subjecting the United States to a heavy Expence, nor Warranted by the usage of other Nations.

The Board therefore submit to the consideration of Congress the following Resolve:

That the Memorial of Thomas Smart, late a Captain in the 13th Massachusetts Regiment, Praying that the Allowance made to Officers who quitted the Army in consequence of Reforms might be

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, I, folio 577. According to indorsement it was read July 26.

extended to him, cannot be complied with, the said Smart having resigned the Commission he had under the United States.

All which is humbly submitted.¹

July 25th, 1786.

THURSDAY, JULY 27, 1786.

Congress assembled. Present as before.

The committee, consisting of Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [John] Lawrance and Mr. [Charles] Pettit, to whom was referred an Act of the State of New York, passed on the 4th day of May last, entitled "An Act for giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that state, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain," having reported:

That by the act of Congress of the 18 April, 1783, it is recommended to the several states as indispensably necessary to the restoration of public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy certain duties upon goods imported into the United States; provided that the collectors of the said duties should be appointed by the states within which their offices are to be respectively exercised, but when so appointed to be amenable to and removable by the United States in Congress assembled alone. The Committee conceive that the investing of the United States in Congress assembled with this power, which includes that of forming the necessary regulations or revenue laws, with suitable penalties, of

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress*, No. 138, II, folio 373. According to indorsement it was read July 26.

JULY 26: According to indorsement was read a letter from the Secretary at War, dated July 26, forwarding intelligence as to the situation on the Western frontier and calling attention to the need of troops. It is in No. 150, I, folio 407; the enclosures follow it.

According to indorsement the Ordinance on Indian Affairs was to be read the 3d time on this day. See Journal, *post* August 7.

declaring the money in which the said duties shall be received, of establishing the number of revenue officers, and ascertaining their duties, has been, and¹ must be, considered as an essential part of the plan submitted to the several States for their adoption: The exercise of this power by thirteen separate authorities would introduce different laws upon the same subject, ordain various penalties for the same offence, destroy the equality of the tax, and might in a great measure defeat the revenue. All the States, except New York, having in pursuance of the recommendation of the 18 April, 1783, granted the impost by acts vesting this power, with certain qualifications, exclusively in the United States in Congress assembled; the long continued embarrassments of the public finances, and the indispensable demands on the federal government, dictate the necessity of an immediate and unanimous adoption of this measure. Impressed with these opinions, the Committee have carefully examined the Act of the state of New York to them referred, and submit the following remarks: 1st. That several of the States which have passed Acts investing the United States in Congress assembled, under certain restrictions, with power to levy the duties on goods imported into the United States, agreeably to the recommendation of the 18th of April, 1783, have inserted in their Acts express conditions that the same shall not be in force, or begin to operate, until all the States in the Confederacy have passed Acts vesting the United States in Congress assembled, with power to levy in the several States, like duties. 2d. That the Act of the State of New York referred to the Committee, does not invest the United States in Congress assembled, with power to levy in that State the duties therein mentioned; but reserves to the State of New York, the sole power of levying and collecting the same in the manner directed in and by an Act of that State, entitled "An act imposing duties on certain goods, wares and merchandise imported into the said State," passed the 18th day of November, 1784, and consequently prevents the operation of the impost in those States which have made the exercise of this power by the United States in Congress assembled, an indispensable and express condition of their grants. 3d. That the said Act does not make the Collectors of the said duties amenable to and removable by the United States in Congress assembled; but ordains that upon conviction before the supreme Court of judicature, or in the Court

¹ At this point Benjamin Bankson takes up the recording.

of exchequer of the State of New York, for any *default or neglect* in the execution of the duties required of them by the said Act, or by an Act of that State, entitled "An act imposing duties on certain goods, wares and merchandise imported into the said State," they shall be removed from Office, and others appointed instead of the persons so convicted; which is a material departure from the plan recommended by Congress. 4th. That by an Act of the State of New York, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned," passed the 18 of April, 1786, it is among other things enacted, "that gold and silver, and the bills of credit emitted by virtue of the said act, shall be received by the Collector for duties arising on goods, wares and merchandize imported into the said State, after the passing of the said act," in consequence whereof, admitting that the system of a general impost, could be put in operation, it would remain optional with the importer to pay the duty on goods imported into the State of New York, in specie or bills of credit emitted by virtue of the aforesaid Act. 5th. If bills of credit of the State of New York should be received from the importer in that State, upon the principles of equal justice, bills of credit emitted by any other State, must be received from the importer of goods in such State, and thereby, instead of the system yielding a sum in actual money, nothing but paper would be brought into the federal treasury, which would be wholly inapplicable to the payment of any part of the interest or principal of the foreign debt of the United States. Whereupon the Committee submit the following resolution: *Resolved*, That the Act of the State of New York, entitled "An act for giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that State, for the special purpose of paying the principal and interest of the debts contracted in the prosecution of the late war with Great Britain, so essentially varies from the system of impost recommended by the United States in Congress assembled on the 18th day of April, 1783, that the said Act is not, and cannot be considered as a compliance with the same."

¹ The foregoing report being under debate, a Motion was made by Mr. [James] Monroe, seconded by Mr. [Samuel] Livermore, that the consideration thereof be postponed, in order to take up the following proposition, viz.

¹ Charles Thomson here resumes the entry in the Journal.

That a committee be appointed to draft an Ordinance to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in conformity with the acts of the twelve States which have complied with the said recommendation, and to take effect so soon as the State of New York shall have fully acceded to it, and the states of Pennsylvania and Delaware so modified their compliance as to enable the United States to carry it into effect upon that event.

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

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}ay
Long,	ay		Harrison,	no	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	no	}no	<i>Virginia,</i>		
King,	no		Mr. Grayson,	ay	}ay
Sedgwick,	no		Monroe,	ay	
Dane,	ay	Carrington,	ay		
<i>Rhode Island,</i>			Lee,	ay	
Mr. Manning,	ay	}ay	<i>North Carolina,</i>		
Miller,	ay		Mr. Bloodworth,	ay	}ay
<i>Connecticut,</i>			White,	ay	
Mr. Johnson,	no	*	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Bull,	ay	}ay
Mr. Haring,	ay	}ay	Pinckney,	ay	
Smith,	ay		Huger,	ay	
<i>New Jersey,</i>			Parker,	no	
Mr. Symmes,	ay	}div.	<i>Georgia,</i>		
Hornblower,	no		Mr. Houstoun,	no	}div.
<i>Pennsylvania,</i>			Few,	ay	
Mr. Pettit,	no	}no			
Bayard,	no				

So it was resolved in the affirmative.

The proposition being then debated, and sundry amendments made, on the question to agree to the same as amended,

the yeas and nays being required by Mr. [Timothy] Bloodworth,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	}ay	Mr. Henry,	ay	}ay
Long,	ay		Harrison,	no	
<i>Massachusetts,</i>			Ramsay,	ay	
Mr. Gorham,	no	}div.	<i>Virginia,</i>		
King,	ay		Mr. Grayson,	ay	}ay
Sedgwick,	no		Monroe,	ay	
Dane,	ay		Carrington,	ay	
<i>Rhode Island,</i>			Lee,	no	
Mr. Manning,	ay	}ay	<i>North Carolina,</i>		
Miller,	ay		Mr. Bloodworth,	ay	}ay
<i>Connecticut,</i>			White,	ay	
Mr. Johnson,	no	*}	<i>South Carolina,</i>		
<i>New York,</i>			Mr. Bull,	ay	}ay
Mr. Haring,	no	}no	Pinckney,	ay	
Smith,	no		Huger,	ay	
<i>New Jersey,</i>			Parker,	ay	
Mr. Symmes,	ay	}ay	<i>Georgia,</i>		
Hornblower,	ay		Mr. Few,	ay	*}
<i>Pennsylvania,</i>					
Mr. Pettit,	ay	}ay			
Bayard,	ay				

So it was *Resolved*, That a committee be appointed to draft an Ordinance, to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in conformity with the Acts of such states as have complied with the said recommendation, and to take effect so soon as the state of New York shall have passed an Act acceding to the said system, in like manner with the other states, and the States of Pennsylvania and Delaware shall have repealed the clauses in their respective Acts, restraining the operation of their grants of the impost, until all the states shall have granted to Congress the supplementary

funds; and report such further measures as may be necessary to be taken thereon.¹

The Board of Treasury to whom was Referred the Motion of the Honorable the Delegates of the State of South Carolina of the 19th Instant, Beg leave to lay before Congress an Estimate of Pay due to the Officers of the South Carolina Line, and others in similar circumstances for the Years 1782 and 1783:

By this Estimate Congress will observe that the whole amount of the Arrearages of pay due to the Officers so circumstanced is 37,066⁵⁶/₉₀^{ths} Dollars.

There can be no doubt that these Claimants are justly entitled to the same payment as was made to the Officers of the Main Army, and the presumption is, that nothing but the State of the Finances prevented the late Superintendent from putting the Southern Officers upon an equal footing with the other part of the Line.

The embarassments of the Revenue so far from diminishing, have been daily encreasing; so that however anxious the Board have been to make provision for these claims, it has not hitherto been in their power to effect it generally, in a satisfactory manner.

In consequence of a late Arrangement made by this Board with the Delegates of the State of North Carolina, an Anticipation has been made on that State for the Payment of the Monies due to the Officers of that Line, amounting to 13,367³⁴/₉₀^{ths} Dollars to be Credited on the Requisition of the 27th and 28th April, 1784; so that the Sum now remaining due on the Estimate is 23,699²²/₉₀^{ths} Dollars.

A similar Arrangement might be made with the Officers of the Virginia and Maryland Lines, from which States, Balances are due on the Requisition of the 27th and 28th April, 1784. With respect to those from South Carolina; as no Balance is due from that State, on that Requisition, the same provision cannot be made, and the state of the Treasury will in nowise admit a payment in Specie. If the Legislature of the State of South Carolina will make provision for the Payment of their Officers, agreeably to the Return of the Commissioners of Army Accounts, the Amount (should Congress judge proper) might

¹ According to *Committee Book No. 190*, the committee appointed was Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [Samuel] Livermore and Mr. [Charles] Pettit and a report, in part, rendered August 9. See *post*, August 8 and October 16.

be deducted from the Specie Payments becoming due from that State.
All which is humbly Submitted.¹

July 26th, 1786.

OFFICE FOR FOREIGN AFFAIRS,
27th July, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of 23^d July Instant from Brigadier General Du Plessis to Congress, informing them that he had purchased an Estate in Georgia, of which he is now going to take Possession, that he considers himself as having thereby become a Citizen of America, and that as such he renders to them Faith and Homage &c^a and praying an Act of Congress certifying the same may be given to him &c^a., Reports That, in his Opinion, it should thereupon be—

Resolved, that Congress receive with Pleasure the Information given them by Brigadier General Du Plessis in his Letter of 23^d July Instant, of his Intention of becoming a Citizen of the United States but that as the Power of admitting Individuals of other Countries, to the Rights of Citizenship in this, appertains to the particular State in which they mean to dwell and establish themselves, it will be necessary for him to apply, for that Purpose, to the State of Georgia; within which, the Estate he has purchased and is about to occupy, appears from his Letter, to be situated.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.²

FRIDAY, JULY 28, 1786.

Congress assembled; Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania,

¹ This report, signed by Samuel Osgood, Walter Livingston, and Arthur Lee, is in the *Papers of the Continental Congress* No. 139, folio 359. The estimate is on folio 355. According to indorsement the report and estimate were read July 27 and referred to Mr. [Charles] Pinckney, Mr. [Rufus] King and Mr. [Edward] Carrington. It is further indorsed by Roger Alden, "Reported—passed Oct 10th 1786." According to *Committee Book No. 190*, the Committee reported August 2.

² This report is in the *Papers of the Continental Congress*, No. 81, II, folio 123. According to indorsement it was read July 27 and "Referred to the Sec^y of Congress to take Order." Du Plessis letter and a translation of same are on folios 127 and 131.

Maryland, Virginia, North Carolina, South Carolina and Georgia; and from Rhode Island, Mr. [James] Manning.¹

MONDAY, JULY 31, 1786.

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

On a letter, of the 30, from the Secretary at War, requesting leave of Absence for a few weeks:

Ordered, That leave be granted.²

¹ JULY 28: The following committee was appointed: Mr. [Rufus] King, Mr. [John] Bull and Mr. [John Cleves] Symmes, on the memorial of "Sarah, Countess of Stirling to be paid the balance of pay due to her late Husband and to be recommended to the legislature of New Jersey for the benefit of the resolve of Congress of 24 Aug. 1780."

Also the "State of Major gen^l Lord Stirling's" account was referred to the Commissioner of Army Accounts to report. He reported August 28. A statement of Stirling's account, which appears to have accompanied Countess Sarah's memorial, was prepared in the Treasury Office at her request and is in No. 41, IX, folio 404. It is indorsed: "July 28, 1786, Referred to the Com^r of Army Acco^{ts} to report. . . the Memorial missing. N. B. the com^{re} to whom was referred the Mem^l Febr^y 12th 1787, have not reported."

"Petition of John Hayden praying for a new certificate instead of one destroyed" was referred to the Board of Treasury to report. The petition is in No. 42, III, folio 558.

"Petition of A. Baird, surgeon to the regiment of Artificers for commutation" was referred to the Commissioner of Army Accounts to report and a report rendered August 28. Baird's petition is in No. 42, I, folio 389.

"Letter of 20 July from Pres^t of New Hampshire and Mem^l of Ja^s and W^m Sheaf respecting the seizure and detention of their vessel and cargo" was read and referred to the Secretary for Foreign Affairs to report. He reported August 7. Sheaf's memorial is in No. 41, IX, folio 407; the letter from the President of New Hampshire is in No. 64, folio 288. See *post*, August 7 and August 8.

Committee Book No. 190.

Also, according to indorsement, was read a letter from the Secretary at War regarding the expenses of the visit of Scotosh and his return to his people. It is in No. 151, folio 211 and the resolve therein recommended was adopted and spread *verbatim* on the Journal August 9, *q. v.*

² Knox's letter is in No. 150, I, 443.

The Secretary of the United States for the department of war having been ordered by Congress to report on the expediency of further retaining West Point as a military post accordingly, Reports:

That in case of an invasion of any of the middle or eastern states by a marine power the possession of Hudson's River would be an object of the highest importance as well to the invader as to the United States.

That the reciprocal communication of the resources of the eastern and middle states so essential to a well combined resistance depends entirely on the possession of the said river by the United States.

That West Point is of the most decisive importance to the defence of the said river for the following reasons:

1. The distance across the River at that place is only about fourteen hundred feet; a less distance by far than at any other part.
2. The peculiar bend or turn of the river forming almost a reentering angle.

3. The high banks on both sides of the river favorable for the construction of formidable batteries.

4. The demonstrated practability of fixing across the river a chain or chains at a spot where vessels in turning the point unavoidably lose their rapidity and of course their force by which a chain at any other part of the river would be liable to be broken.

These circumstances combined render the passage of hostile vessels by West Point impracticable.

That the fortifications of West Point and its dependencies are extremely difficult to be invested and besieged. This circumstance which greatly enhances the value of the place arises from the broken and mountainous grounds and narrow passes which surround the fortifications. A regular siege of West Point properly garrisoned and furnished would require a large army, vast war like apparatus and much time. The States therefore in its vicinity would have sufficient time to draw forth their utmost force for its relief.

That however West Point may be regarded by some persons as an interior place, yet the reverse is a fact, as may be proved by a slight consideration of the facility with which it can be approached by water. It is quite practicable for vessels coming in from Sea and arriving at Sandy hook at the close of the day to reach West Point before the next morning. The navigation of the river is known to be so bold that the passage could be easily performed during the night.

If the statement here made be just, West Point may with propriety be denominated a vital part of the United States; and as such ought to be guarded at the common expence of the Union with at least one company of troops according to the existing establishment. This expence will be further justified by a consideration of the case with which the said post might, if in a defenceless state be possessed by such a power as Great Britain and the humiliating and distressing consequences of such an event to the United States.

The commercial jealousies discovered by that nation since the peace, and the detention of the western posts under the idea of obliging the United States to comply with certain terms and the vicinity of the british force in Canada which is to be headed by a man of intelligence, and subtle policy ought to put us on our guard. The conduct of the Court of Great Britain in taking the ships of France previous to the declaration of war in 1755 may also be considered as a just ground of caution to the United States.

But independent of any apprehensions from Great Britain, the jealousy manifested by the marine powers of Europe, of the increasing greatness of the United States ought to excite a reasonable portion of attention to our own security.

It is the opinion of your Secretary that the same reasons which render West Point a proper military post render it an improper place for one of the magazines and arsenals of the United States, as he shall attempt to evince more fully in a report on the arsenals and magazines necessary to be established throughout the United States. But it being impracticable in the present state of the public finances to remove the surplus ordnance, and stores from said post, it will be necessary that the present guard should be continued for their protection.

Your Secretary being convinced of the importance of retaining West Point as a military post until the United States shall possess a navy, and the rent annually to be paid being held at the high rate of four hundred and thirty-seven dollars p^r annum he submits to Congress the propriety of purchasing from the proprietor on a fair appraisement the fee of the same together with so much of the lang

contiguous thereto as shall be necessary to be included within the limits and for the use of the garrison.

On this principle he submits the following resolve.¹

July 31, 1786.

The Commissioner for settling the accounts of the army to whom was referred the memorial of the reverend Robert Smith, Begs leave to report:

That a resolution of Congress of the 18th September, 1777, has directed that Chaplains be appointed to the Hospitals.

That the memorialist received at the beginning of the year 1780 an appointment from General Lincoln as chaplain to the Hospital in the Southern department.

That the ordinances of September 30, 1780, and of March 22^d, 1781, not having continued the Hospital Chaplains, and the resolution of November 9th, 1780, having directed their duty to be performed by those of the Brigades, Your Commissioner is of opinion that Mr. Smith was deranged under those resolutions.

That the half pay of the Hospital Officers then reduced was fixed by the resolution of January 17th, 1781, and of the Brigade Chaplains by the resolve of the 8th May following, which resolutions have not included the Hospital chaplains. Your Commissioner therefore presumes that he cannot, under the present promises of Congress, issue the commutation to Mr. Smith, and that if Congress think proper to grant the same, his case will require an express resolution for that purpose.

* * * * *

That altho the memorialist was deranged previous to the time in which these expenses were incurred yet he has been considered as entitled to pay in consequence of his being a prisoner, But whether he is entitled to this allowance of his expences in the same proportion with the other Officers by Virtue of the performance of his duty while

¹ This report is in the *Papers of the Continental Congress*, No. 151, folio 215. According to indorsement it was read July 31 and passed August 3. The resolve submitted is spread *verbatim* on the Journals of that date.

a prisoner, agreeable to the spirit of the before mentioned resolution, is a question which your Commissioner begs leave to submit for the determination of Congress.

JN^o PIERCE.¹

Office of Army Accounts,
July 31, 1786.

¹ This report is in No. 52, folio 153. According to indorsement it was read July 31 and referred to Mr. [Charles] Pinckney, Mr. [John Bubenheim] Bayard Bayard and Mr. [William Samuel] Johnson, who reported August 4. Roger Alden has noted: "See Act Sep^r 12th, 1786." The omitted portion is incorporated in the report of the committee, August 4 and will there be found.

JULY 31: The "Report of Com^r for Settling Army Acco^{ts} and Memorial of John Buchanan" was referred to the Commissioner for Quartermaster Accounts. The committee of February 3 on this memorial was discharged.

Committee Book No. 190.

The Secretary at War submitted a report on the "Expence of a legionary corps of 1500 men." See *ante*, June 21.

Committee Book No. 189.



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